

City of Fort Lauderdale

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Meeting Minutes

Tuesday, September 19, 2023

1:30 PM

The Parker

707 Northeast 8th Street, Fort Lauderdale, FL 33304

City Commission Conference Meeting

FORT LAUDERDALE CITY COMMISSION

DEAN J. TRANTALIS Mayor

PAM BEASLEY-PITTMAN Vice Mayor - Commissioner - District III

JOHN C. HERBST Commissioner - District I

STEVEN GLASSMAN Commissioner - District II

WARREN STURMAN Commissioner - District IV

GREG CHAVARRIA, City Manager

DAVID R. SOLOMAN, City Clerk

D'WAYNE M. SPENCE, Interim City Attorney

PATRICK REILLY, City Auditor

CALL TO ORDER

Mayor Trantalis called the meeting to order at 1:32 p.m.

COMMISSION QUORUM ESTABLISHED

Commission Members Present: Commissioner John C. Herbst, Commissioner Steven Glassman, Vice Mayor Pamela Beasley-Pittman, Commissioner Warren Sturman (arrived at 1:36 p.m.) and Mayor Dean J. Trantalis

Also Present: City Manager Greg Chavarria, City Clerk David R. Soloman, Interim City Attorney D'Wayne M. Spence, and City Auditor Patrick Reilly

COMMUNICATIONS TO THE CITY COMMISSION

[23-0896](#)

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

***Historic Preservation Board (HPB)
September 6, 2023***

Communication to the City Commission

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

HPB Vice Chair Richard Rosa explained details of the HPB communication. Further comment and discussion ensued. Vice Mayor Beasley-Pittman, Commissioner Herbst, and Commissioner Sturman confirmed they are working on nominations for their respective HPB vacancies.

CONFERENCE REPORTS

CF-1 [23-0863](#)

Audit of Vehicle and Cell Phone Allowances - (Commission Districts 1, 2, 3 and 4)

City Auditor Patrick Reilly presented the findings and observations included in the Office of the City Auditor's Audit of Vehicle and Cell Phone Allowances Memorandum (Memorandum).

A copy of the Memorandum is part of the backup to this Agenda

item.

In response to Commissioner Glassman's question, City Auditor Reilly confirmed satisfaction with Management's response to the findings and recommendations, including enhancing, implementing, and closely monitoring internal controls for vehicle and cell phone allowances.

CF-2 [23-0869](#)

Budgeted City Sponsored Events for 1st Quarter FY2024 (October 2023 - December 2023) - (Commission Districts 1, 2, 3 and 4)

City Manager Chavarria confirmed this Agenda item represents the Commission's request for updates regarding City Sponsored Events (Events) in the 1st Quarter of FY 2024.

Commissioner Sturman commented about Events being located primarily on the City's east side. He suggested the 4th of July Event be held as two (2) events, one (1) on the beach and one (1) at Mills Pond Park. Further comment and discussion ensued.

Vice Mayor Beasley-Pittman remarked on her advocacy for Events in District 3 receiving proper funding.

OLD/NEW BUSINESS

BUS-1 [23-0622](#)

Update - Prospect Lake Clean Water Center - (Commission Districts 1, 2, 3 and 4)

Alan Dodd, Public Works Department Director, provided an overview of this Agenda item. Mayor Trantalis recognized Mark Janay, Ridgewood/IDE Technologies (IDE). Mr. Janay narrated a slide presentation entitled *Prospect Lake Clean Water Center Project Update*.

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

Commissioner Sturman noted that the presentation was not attached to this Agenda item. In response to Commissioner Herbst's question, City Manager Chavarria confirmed Staff will make the presentation available to the public.

In response to Commissioner Sturman's question, Mr. Janay explained the PFAS levels and commented on related information, including plans for additional testing.

In response to Vice Mayor Beasley-Pittman's question regarding possible third-party funding for the Project noted in the presentation, Mr. Janay explained that third-party funding relates to class-action liability lawsuits and noted the examples of the City of Stuart, Florida, as a plaintiff and expounded on related information. Mayor Trantalis remarked on the City being a plaintiff in this litigation.

In response to Commissioner Herbst's question, Mr. Dodd discussed details related to the coordination of the Project's \$181,000,000 in enabling works (Enabling Works), including work with Florida Power and Light for a substation and an unsolicited proposal for a forty-eight-inch (48") water distribution line connecting the Fiveash Water Treatment Plant to the Project that is currently being evaluated.

Commissioner Herbst noted that when the Commission approved the entire agreement, it was presumed that the City would be going out to bid on the Enabling Works. Mr. Dodd confirmed and noted an unsolicited proposal was received and will be evaluated, which would reduce the timeline by approximately one (1) year. Further comment and discussion ensued.

In response to Commissioner Herbst's questions regarding the bifurcation of the Project, Mr. Dodd explained the initial unsolicited proposal for the Project did not include the Enabling Works. The City negotiated the Project's Comprehensive Agreement, but the scope of work did not include procurement and construction of the Enabling Works. Commissioner Herbst remarked on the City's process for public-private partnerships (P3) and related concerns. He discussed the need to ensure competition and the fair allocation of tax revenue. Commissioner Herbst expounded on his viewpoint, and cited examples of other P3s in the City.

In response to Commissioner Herbst's questions regarding addressing the Project's negative impact on the quality of life of District 1 residents, Mr. Dodd explained that as part of the permitting process, the Project must abide by existing noise Ordinances. When the Project is completed, the operational noise must also abide by existing noise Ordinance thresholds. Commissioner Herbst expounded on his viewpoint and concerns about the impact of the Project's operating noise on adjacent District 1 residents, cited examples, and confirmed the need for Staff to be aware and work to create a sound barrier with landscaping, including berms and trees. City Manager Chavarria confirmed the need for an operational noise mitigation plan for the life of the Project. Mr. Janay discussed the Project's noise attenuation plan and expounded on

related details. Further comment and discussion ensued.

Commissioner Glassman remarked on the P3 process. In response to Commissioner Glassman's question, Interim City Attorney Spence said that the P3 process was enacted by the Florida State Legislature and explained details related to accepting and evaluating P3 proposals. Further comment and discussion ensued.

Commissioner Herbst clarified the City has the option to reject P3 proposals that the City Manager determines are not in the City's best interests and remarked on related information. Further comment and discussion ensued.

In response to Commissioner Sturman's question, Mr. Janay confirmed September 2026 as the scheduled completion date in the Comprehensive Agreement.

Mayor Trantalis discussed the importance of the Commission's commitment to District 1 residents, ensuring a minimal impact on their quality of life. Further comment and discussion ensued. Mr. Janay confirmed addressing these concerns is part of the Project's operational protocol and monitoring. He expounded on related information and discussed additional ways to mitigate visual and noise concerns at the Project.

BUS-2 [23-0716](#)

Metro Transportation Engineering & Construction Cooperative (MTECC) Membership Presentation - (Commission Districts 1, 2, 3 and 4)

Ben Rogers, Transportation and Mobility Department Director, provided an overview of this Agenda item and said Staff would present an agreement for the Commission to consider joining the Metro Transportation Engineering & Construction Cooperative (MTECC) at an October, 2023, Commission Meeting

Lowell R. Clary, Executive Director of the MTECC, narrated a presentation entitled *Metro Transportation Engineering & Construction Cooperative*.

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

In response to Mayor Trantalis' question regarding how the membership in the MTECC interfaces with the activities and processes of the Broward County Metropolitan Planning Organization (MPO), Mr. Clary

explained the City or the MPO would continue to apply for grants. Following receipt of a grant, the MTECC moves the project forward through design and construction. Mr. Clary explained the MTECC is a qualified federal program management consultant with a library of five (5) design firms to move grant-funded projects forward promptly and cited examples.

Mayor Trantalis remarked that MTECC costs are derived from grants. In response to Mayor Trantalis' question, Mr. Clary explained the annual fee for the City's MTECC membership is \$25,000. The City may have small out-of-pocket costs based on how the grant and the related project are structured. Further comment and discussion ensued.

CITY COMMISSION REPORTS

Members of the Commission announced recent and upcoming events.

Vice Mayor Beasley-Pittman discussed her Proclamation presentation recognizing two (2) District 3 centenarians.

Vice Mayor Beasley-Pittman announced Deerfield Beach Commissioner Todd Drosky is the new Broward League of Cities President and Cooper City Mayor Gregg Ross is the new Florida League of Cities President. Vice Mayor Beasley-Pittman concurred with comments from Commissioner Glassman regarding the need to improve efforts to promote and recognize the City's *September 11th Remembrance Ceremony*.

Vice Mayor Beasley-Pittman requested City Manager Chavarria increase efforts to address homelessness concerns in areas of District 3 and noted an example of concerning behavior. Vice Mayor Beasley-Pittman requested Staff provide outreach to homeless individuals informing them of available resources. She discussed a significant number of eighteen (18) wheel tractor trailers parked in the NW 28th Avenue and NW 29th Avenue area of District 3. City Manager Chavarria confirmed Staff would address.

Vice Mayor Beasley-Pittman announced the graduation of sixteen (16) cadets from the 2023 Fire-Rescue Academy Class.

Commissioner Herbst discussed rumors regarding an allegation that he planted recording devices in City Staff offices. He said this allegation is false and discussed past inaccuracies.

Commissioner Glassman concurred with Vice Mayor Beasley-Pittman's recommendation that Staff improve efforts to promote and acknowledge the *September 11th Remembrance Ceremony*. Commissioner Glassman acknowledged Police Chief Patrick Lynn's retirement and thanked him for his service.

Commissioner Glassman discussed issues related to the Charter Revision Board (CRB), showed portions of CRB Meetings, and expounded on his viewpoint and concerns. Further comment and discussion ensued. Vice Mayor Beasley-Pittman discussed the need to see the CRB Meeting videos in their entirety and explained her viewpoint. Further comment and discussion ensued. Commissioner Herbst remarked on the need to understand the complete context of CRB discussions and the need to view the entire CRB Meetings.

In response to Commissioner Glassman's questions, Interim City Attorney Spence explained the Code of Ordinances does not include an adopted Code of Conduct for Advisory Boards and Committees (Members). It does not expressly state Member removal or suspension. State Statute provides a procedure for removing Members in instances related to certain types of offenses by Members created or authorized under general law, special act, or municipal charter. The process would be by resolution specifying the facts sufficient to advise the municipal board member of the basis of their suspension or removal and providing them with reasonable notice and an opportunity to be heard. Municipalities have adopted Codes of Conduct, and breaches are addressed similarly. Municipalities have caveats that Members serve at the pleasure of the Commission and can remove Members at their pleasure with a majority vote. Interim City Attorney Spence confirmed he would provide this information to Commissioner Glassman. Further comment and discussion ensued.

Mayor Trantalis concurred with Commissioner Glassman's concerns, the inappropriateness of CRB Member comments, and expounded on his viewpoint. Mayor Trantalis suggested a Joint Workshop with the CRB to discuss concerns and convey Commission feedback. He remarked on his viewpoint regarding the efficiency of other municipalities headed by a strong mayor form of government. Further comment and discussion ensued.

Commissioner Herbst concurred with Vice Mayor Beasley-Pittman's comments regarding the need for a complete understanding of the context in which CRB comments were made during their Meetings. He remarked on his openness to a strong mayor form of government and

noted it is an effective way of running a larger, more complex organization. Commissioner Herbst confirmed his willingness to have the CRB consider this option.

Commissioner Sturman said he would not respond to the comments related to the CRB Meetings, confirmed support of the right to free speech in the community, and noted the Commission's ability to accept or reject any recommendation or suggestion of any Advisory Board or Committee.

Commissioner Sturman requested that all Agenda backup be provided when published. City Manager Chavarria confirmed.

In response to Mayor Trantalis' questions regarding an update from the Broward Sheriff's Office (BSO) related to discharge protocols at the Broward County Jail located in the City, City Manager Chavarria discussed an action item creating a working group to include Fort Lauderdale, Hollywood, Pompano, Broward County and BSO to review and improve the prisoner discharge process. He would provide updates as the working group moves forward. Mayor Trantalis noted the urgency to achieve a remedy.

Mayor Trantalis remarked on results of a pollster during his attendance at a recent Florida League of Cities Meeting that indicated the City's top two (2) community concerns were recreational waterway cleanliness and homelessness. The pollster confirmed he would provide a granular explanation of the results.

Mayor Trantalis requested Commission Members coordinate interviews with the three (3) candidates for the City Attorney position as recommended by the City Attorney Search Committee. Further comment and discussion ensued.

Mayor Trantalis remarked on Commissioner Herbst's earlier comments regarding the offensive nature of the accusation of planting recording devices in City offices, and noted an instance of recording devices at the previous Commission Meeting. Commissioner Glassman noted his understanding of related details. City Manager Chavarria provided details of the instance. Further comment and discussion ensued.

In response to Commissioner Sturman's question, Interim City Attorney Spence said he is unaware of any policy regarding recordings of Commission Meetings, noted details regarding those needing audio/visual assistance, and the regular practice of media to set up

microphones to record Commission Meetings. Interim City Attorney Spence remarked on the need for further research regarding the expectation of privacy outside of Commission Meetings. Further comment and discussion ensued.

Mayor Trantalis recognized Jacquelyn Scott, 1626 SE 1st Street. Ms. Scott provided additional details of the instance after a previous Commission Meeting was adjourned, which she reported to City Manager Chavarria. Further comment and discussion ensued.

Mayor Trantalis discussed establishing related protocols. Commissioner Herbst addressed the need to consider intent and cited examples. Mayor Trantalis remarked on the public's expectation of privacy after a meeting has adjourned. Commissioner Herbst commented on the need to be cautious regarding interference with First Amendment rights. Mayor Trantalis concurred.

In response to Mayor Trantalis' question regarding the loss of water service at the WaterGarden Condominium, Commissioner Sturman discussed his understanding regarding the cause, aging water pipe infrastructure, and remarked on related information, including the City providing bottled water to residents and the ongoing boil water notice. Alan Dodd, Public Works Department Director, explained the water loss was due to an emergency repair project and remarked on details related to continuous water testing, and efforts to flush the system. Commissioner Sturman discussed plans for an upcoming Town Hall for area residents.

In response to Mayor Trantalis' question, Ben Rogers, Transportation and Mobility Department Director, provided an update on issues related to the rusted mesh and lighting at the Las Olas Parking Garage (Garage). Mr. Rogers remarked on feedback indicating the need for replacement of the rusted mesh. The Office of the City Attorney is working with outside council to determine the next steps to address these concerns and pursue remedies.

Mayor Trantalis remarked on the amount of funds spent on the Garage mesh covering and lighting, and the need for these items to be fixed. Mr. Rogers explained vendor lighting efforts that included waterproofing, and said a portion of the lighting subsequently failed. He explained the need for software upgrades for Garage lighting and the anticipated cost ranges. In response to Mayor Trantalis' question, Mr. Rogers confirmed he is working with the Office of the City Attorney on the lighting warranty claim. Mayor Trantalis noted the need to expedite Staff efforts and

requested an update at the next Commission Meeting. Mr. Rogers confirmed and said he would work with City Manager Chavarria and the Office of the City Attorney to provide a more detailed review of options to remedy these Garage issues.

In response to Mayor Trantalis' questions regarding enforcement of the panhandling Ordinance, Police Chief Patrick Lynn confirmed the Police Department's new legal advisor is preparing a training bulletin and specific training for Police Officers, and enforcement is anticipated next week.

CITY MANAGER REPORTS

City Manager Chavarria announced a printed version of *FTLConnect* will be mailed to residents.

City Manager Chavarria discussed a report on the New River Crossing that was recently emailed to Commission Members. Staff will compile all related reports and present them to the Commission at a future Conference Meeting.

Mayor Trantalis commented on a commuter rail bridge for the New River Crossing (Bridge) proposed by the Florida Department of Transportation (FDOT) and expounded on related details, including the impact on neighborhoods and an additional analysis that included a previous study by FDOT. He had meetings with representatives of Brightline and its holding company, Fortress, to discuss a path forward. The Broward County Metropolitan Planning Organization (MPO) proposed a twenty-five foot (25') Bridge that would negate the need for the Bridge through the middle of Flagler Village and would include vehicle underpasses at certain locations. The Marine Industries Association of South Florida and Brightline opposed the proposed twenty-five-foot (25') Bridge due to Brightline's plans for schedule increases for commuter service and related Bridge height limitations that would impact New River vessel traffic. Fortress has agreed to take a more engaged role in participating and securing funding to operate and manage the proposed tunnel for the New River Crossing (Tunnel). Mayor Trantalis remarked on the support at the federal level for the Tunnel option and the February 2024 deadline to apply for Tunnel infrastructure funding.

Commissioner Herbst confirmed the need to also acknowledge the impact of Brightline scheduling on Oakland Park Boulevard, Commercial Boulevard, Cypress Creek Road, and other east-west corridors. Mayor Trantalis remarked on the MPO's future vision for underpasses from one end of the County to the other. Further comment and discussion ensued.

City Manager Chavarria commented on details regarding the City being a finalist for the USDOT grant funding to further explore a Tunnel and how it would positively impact the community.

Interim City Attorney D'Wayne Spence discussed the memorandum he sent to the Commission regarding the lease agreement for 1515 W. Cypress Creek (1515 W. Cypress) (Lease Agreement) for the use as a temporary Police Department Headquarters (Memorandum), which is based on Commission discussion at the September 13, 2023, Commission Special Meeting. He explained related details and confirmed the Memorandum is intended to ensure that the updated Lease Agreement language is consistent with the Commission's direction.

In response to Mayor Trantalis' question, Interim City Attorney Spence confirmed the City is not responsible for any property taxes due before January 1, 2024. In response to Commissioner Glassman's question, Interim City Attorney Spence explained details associated with the City's 1998 lease that provides that the lessee, 1515 W. Cypress, must pay all ad valorem taxes. As a subtenant, the City agrees to pay ad valorem taxes for the term of the Lease Agreement should the 1515 W. Cypress building be assessed.

In response to Commissioner Glassman's question regarding the proportionate share of operating expenses with the adjacent building located at 1525 W. Cypress Creek, Interim City Attorney Spence explained there is a calculation formula included in the Lease Agreement that attributes a portion of operating expenses to 1515 W. Cypress, which would be proportional based on the City's occupancy of space at 1515 W. Cypress, and expounded on related details.

In response to Commissioner Glassman's question regarding monitoring payment calculations, City Manager Chavarria explained that Staff would calculate the payments in the Lease Agreement that would be processed and paid via a purchase order, and any changes would require Commission approval.

ADJOURNMENT

Mayor Trantalis adjourned the meeting at 4:21 p.m.