

# City of Fort Lauderdale

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## Meeting Minutes

**Tuesday, December 21, 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 6:10 p.m.

**MEETING ANNOUNCEMENT**

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 - Vice Mayor Heather Moraitis, Commissioner Steven Glassman, Commissioner Robert L. McKinzie (arrived at 6:38 p.m.), Commissioner Ben Sorensen 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 updates to the Agenda:

**Walk-On Agenda Item:**

Resolution Appointing Robert Vaughan and the Law Firm of Kim Vaughan Lerner LLP as Special Counsel to the City of Fort Lauderdale in connection with reestablishing boundaries of the four (4) City Commission Districts following the 2020 Decennial Census (Redistricting)

**Agenda Item Changes:**

CM-1 Memorandum title updated to reflect proper District  
M-3 Exhibit 1 added to the Settlement Agreement

***A copy of each is attached to these minutes.***

**Approval of MINUTES and Agenda**

[21-1194](#)

Minutes for November 2, 2021 Commission Conference Meeting, November 2, 2021 Commission Regular Meeting and November 16, 2021 Commission Bahia Mar Workshop - (Commission Districts 1, 2, 3 and 4)

Commissioner Glassman noted a scrivener's error in the November 2, 2021 Commission Regular Meeting. City Clerk Jeffrey Modarelli confirmed.

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

**APPROVED AS AMENDED**

**Yea:** 4 - Vice Mayor Moraitis, Commissioner Glassman, Commissioner Sorensen and Mayor Trantalis

**Not Present:** 1 - Commissioner McKinzie

**PRESENTATIONS**

**PRES-** [21-1193](#)  
**1**

Commissioner Sorensen will present a Proclamation declaring Tuesday, December 21, 2021 as Father Ron Perkins Day in the City of Fort Lauderdale

Commissioner Sorensen presented a Proclamation declaring *Tuesday, December 21, 2021 as Father Ron Perkins Day in the City of Fort Lauderdale*, reading the Proclamation in its entirety. Father Perkins accepted the Proclamation, thanking the Commission for this recognition.

**PRESENTED**

**PRES-** [21-1195](#)  
**2**

Commissioner Glassman will present a Proclamation declaring Tuesday, December 21, 2021 as Jim McCrady Day in the City of Fort Lauderdale

Commissioner Glassman presented a Proclamation declaring Tuesday, December 21, 2021 as *Jim McCrady Day in the City of Fort Lauderdale*, reading the Proclamation in its entirety. Fire-Rescue Department Lieutenant James McCrady accepted the Proclamation, thanking the Commission for this recognition.

**PRESENTED**

**PRES-** [21-1196](#)  
**3**

Recognition of the 9th Graduating Class of the Neighbor Leadership Academy

Jeannetta Maxena, Neighbor Support Division Senior Management Fellow, and Hal Barnes, Neighbor Support Division Manager, recognized members of the 9th Graduating Class of the Neighbor Leadership Academy (Academy). Ms. Maxena provided an overview of the Academy's civic engagement and presented each participant with an Academy Certificate.

Mayor Trantalis acknowledged the upcoming retirement of Mr. Barnes and thanked him for his dedication and service to the City.

**PRESENTED**

**PRES-** [21-1197](#)  
4

Recognition of the Swim Fort Lauderdale Masters Team for winning the U.S. Masters National Championship Title during the 2021 U.S. Masters Swimming Long Course National Championship

Mayor Trantalis announced the names of *Swim Fort Lauderdale Masters Team (Masters Team)* members and congratulated them for winning the *U.S. Masters National Championship Title* during the 2021 U.S. Masters Swimming Long Course National Championship in Geneva, Ohio.

Mayor Trantalis presented *Masters Team* Head Coach Marty Hendrick and Assistant Coach Blake Woodrow with an award for capturing the *U.S. Masters National Championship* title.

Assistant Coach Woodrow thanked Mayor Trantalis for this recognition, commented on details associated with the *Masters Team's* efforts and remarked on looking forward to returning to the Fort Lauderdale Aquatic Center.

**PRESENTED**

**PRES-** [21-1198](#)  
5

The American Society of Civil Engineers Broward Branch will present the "2021 Large Project of the Year" Award for Horizontal Directional Drilling to the City of Fort Lauderdale Public Works Department

**REMOVED FROM AGENDA**

**CONSENT AGENDA PUBLIC COMMENT**

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

**CM-14:**

Mayor Trantalis recognized Boyd Corbin, 12 NE 26th Street, Wilton Manors. Mr. Corbin commented on his viewpoint and concerns related

to this Agenda item.

**CM-10:**

Mayor Trantalis recognized Boyd Corbin, 12 NE 26th Street, Wilton Manors. Mr. Corbin commented on his viewpoint and concerns related to this Agenda item.

**CR-2:**

Mayor Trantalis recognized Boyd Corbin, 12 NE 26th Street, Wilton Manors. Mr. Corbin commented on his viewpoint and concerns related to this Agenda item.

Mayor Trantalis addressed Mr. Corbin's remarks and commented on remediation efforts.

## **CONSENT AGENDA**

Mayor Trantalis announced the following Consent Agenda items had been pulled by Commission Members for separate discussion:

CM-1 - Commissioner Glassman  
CM-2 - Commissioner Glassman  
CM-11 - Vice Mayor Moraitis

## **CONSENT MOTION**

### **Approval of the Consent Agenda**

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

**Approve the Consent Agenda**

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

**CM-1**    [21-1170](#)

Motion Approving Event Agreements for Name Above All Names, Baby Shower, Florida Flow Fest, and ICD Burlesque Show - (Commission Districts 2 and 4)

Commissioner Glassman commented on District 2 Pre-Agenda Meeting discussions regarding events on the Barrier Island and along A1A. The recent weekend marathon caused significant traffic disruption. Resident input included the need for advance notice regarding events and additional clarity and information, which could be included in City website

calendar event details. He recommended consideration of traffic flow plans for all event applications to address mitigation efforts, i.e., additional police and others to direct and keep traffic moving.

Mayor Trantalis recognized Lorie Thomas on behalf of *AIDS Healthcare Foundation, Inc.* and *ICD Burlesque Show Event* (Event) Coordinator. In response to Commissioner Glassman's questions, Ms. Thomas remarked on other past Event locations and details of this Event. There will be amplified music and approximately 450 seats set up on the east side of the Intracoastal at the *Las Olas Bridge*. Ms. Thomas confirmed plans to contact everyone within a two (2) mile radius regarding Event details.

Commissioner Glassman noted aspects of this Event and suggested applicants contact residents prior to this type of event coming before the Commission for approval.

**APPROVED**

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

**CM-2**    [21-1169](#)

Motion Approving Event Agreements and Related Road Closures for Walk for the Animals, March for Cancer, MASS District Events, Las Olas/A1A Triathlon and FATVillage Art Walk - (Commission Districts 2 and 4)

Commissioner Glassman reiterated resident concerns related to traffic and difficulty navigating the barrier island during the recent *March for Cancer* and *Triathlon* events. He requested Staff be aware of traffic issues impacted by *Las Olas Marina* construction and related road closures anticipated to begin in March 2022, impacting future events in this area of the barrier island.

**APPROVED**

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

**CM-3**    [21-1157](#)

Motion Authorizing the City Manager to Execute Two Memorandum of Agreements with the Department of Health Broward County for Open and Closed Points of Dispensing Locations - (Commission Districts 1, 2, 3 and 4)

**APPROVED**

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

- CM-4**    [21-1150](#)       Motion Authorizing Settlement of Workers' Compensation Claim in the Matter of Yves Vincent v. City of Fort Lauderdale, Case No. 21-010847MJR - \$130,000 - (Commission Districts 1, 2, 3 and 4)
- APPROVED**
- Yea:**   5 -   Vice Mayor Moraitis, Commissioner Glassman, Commissioner McKinzie, Commissioner Sorensen and Mayor Trantalis
- CM-5**    [21-1152](#)       Motion Authorizing Settlement of General Liability Claim in the Matter of Swiss Re as Subrogee of Northbridge Investment Management, Inc. - \$200,000 - (Commission Districts 1, 2, 3 and 4)
- APPROVED**
- Yea:**   5 -   Vice Mayor Moraitis, Commissioner Glassman, Commissioner McKinzie, Commissioner Sorensen and Mayor Trantalis
- CM-6**    [21-1163](#)       Motion Authorizing Settlement of Workers' Compensation Claim in the Matter of Robert Fortier v. City of Fort Lauderdale, Case No. 10-002266MJR - \$310,000 - (Commission Districts 1, 2, 3 and 4)
- APPROVED**
- Yea:**   5 -   Vice Mayor Moraitis, Commissioner Glassman, Commissioner McKinzie, Commissioner Sorensen and Mayor Trantalis
- CM-7**    [21-0191](#)       Motion Authorizing Execution of, (a) Applicant-Installed Facilities Agreement for Underground Conversion, (b) Underground Facilities Conversion Agreement - Governmental Adjustment Factor Waiver, and (c) City Right-Of-Way Agreement for Underground Conversions for Las Olas Isles Overhead Utility Undergrounding - \$720,273 - (Commission District 2)
- APPROVED**
- Yea:**   5 -   Vice Mayor Moraitis, Commissioner Glassman, Commissioner McKinzie, Commissioner Sorensen and Mayor Trantalis
- CM-8**    [21-0192](#)       Motion Authorizing Execution of a Special Construction Agreement with BellSouth Telecommunications, LLC d/b/a AT&T Southeast for the Las Olas Isles Overhead Utility Undergrounding Project - \$739,814 - (Commission District 2)
- APPROVED**
- Yea:**   5 -   Vice Mayor Moraitis, Commissioner Glassman, Commissioner McKinzie, Commissioner Sorensen and Mayor Trantalis
- CM-9**    [21-0193](#)       Motion Authorizing Execution of a Relocation Agreement with Comcast Cable Communications Management for the Las Olas Isles Overhead Utility Undergrounding Project - \$484,889 - (Commission

District 2)

**APPROVED**

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

**CM-10** [21-0649](#)

Motion Authorizing the Execution of a Sovereignty Submerged Land Easement with the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida - Bayshore Drive Intracoastal Force Main Replacement - (Commission Districts 1 and 2)

**APPROVED**

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

**CM-11** [21-0971](#)

Motion Approving an Interlocal Agreement (ILA) between the City of Fort Lauderdale and the City of Wilton Manors Ratifying the Installation of an Interconnect (Stub-out) to the Redundant Sewer Force Main Located at NE 15 Avenue and NE 18 Street - (Commission District 2)

In response to Vice Mayor Moraitis' question regarding wastewater infrastructure maintenance by municipalities contracted with the City, City Manager Lagerbloom said there are maintenance agreements with those municipalities. Alan Dodd, Public Works Director, confirmed maintenance agreements and expounded on related details.

Vice Mayor Moraitis discussed input from Ralph Zeltman, District 1 constituent and Infrastructure Task Force Advisory Committee Member at the District 1 Pre-Agenda Meeting regarding a process for removing sand from wastewater pipes caused by inflow and infiltration (I&I). City Manager Lagerbloom noted the relining of pipes by other municipalities' to prevent I&I. Mr. Dodd explained that as part of the Consent Order and regular long-term maintenance, there has been in excess of \$20,000,000 in work lining pipes and catch basins to reduce I&I flows that will be a continual part of long-term CIP.

**APPROVED**

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

**CM-12** [21-1079](#)

Motion Approving First Amendment to Interlocal Agreement (ILA) Between Broward County and the City of Fort Lauderdale Relating to the Broward County, Segment II, Shore Protection Project - (Commission Districts 1 and 2)

**APPROVED**



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

**CM-13** [21-1099](#)

Motion Approving the Execution of a Declaration of Restrictive Covenant for Groundwater Restrictions at Middle River Terrace Park located at 1329 NE 7 Avenue - (Commission District 2)

**APPROVED**

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

**CM-14** [21-1142](#)

Motion Approving an Amendment to Large User Wastewater Agreements with City of Oakland Park, City of Wilton Manors, City of Tamarac, Town of Davie, and Broward County Extending the Agreements to March 31, 2022 - (Commission Districts 1, 2, 3 and 4)

**APPROVED**

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

**CONSENT RESOLUTION**

**CR-1** [21-0948](#)

Resolution Ratifying both the Waiving of the Competitive Sealed Bidding Process as Required by the Procurement Ordinance and Change Order No. 4, North Redundant Sewer Force Main - Murphy Pipeline Contractors, LLC. - \$83,771.64 - (Commission Districts 1 and 2)

**ADOPTED**

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

**CR-2** [21-1140](#)

Resolution Amending and Restating Resolution No. 17-46, as Amended, Providing for an Extension of the Term of the Infrastructure Task Force Advisory Committee - (Commission Districts 1, 2, 3 and 4)

**ADOPTED**

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

**CR-3** [21-1064](#)

Resolution Imposing Special Assessment Liens for Lot Clearing - (Commission Districts 1, 2, 3 and 4)

**ADOPTED**

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

**CR-4**    [21-1208](#)

Resolution Appointing David R. Soloman as the City Clerk, Approving an Employment Contract with David R. Soloman, and Authorizing the Mayor to Execute the Employment Contract - (Commission Districts 1, 2, 3 and 4)

**ADOPTED**

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

**CONSENT PURCHASE**

**CP-1**    [21-0262](#)

Motion Approving Agreement for Las Olas Isles Undergrounding of Overhead Utilities - Ferreira Construction Southern Division Co. Inc. - in an Amount Not to Exceed \$4,733,400 - (Commission District 2)

**APPROVED**

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

**CP-2**    [21-0653](#)

Motion Approving Purchase of Special Event Clean Up Services - Emerald - Vents Clen LLC - \$180,070 - (Commission Districts 1, 2, 3 and 4)

**APPROVED**

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

**CP-3**    [21-0982](#)

Motion Ratifying Change Order No. 3 for North Redundant Sewer Force Main - Murphy Pipeline Contractors, LLC. - \$416,487.44 - (Commission Districts 1 and 2)

**APPROVED**

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

**CP-4**    [21-1053](#)

Motion Approving Purchase of Safety Shoes and Boots - Global Trading, Inc, International Footwear, Inc., Safety Shoe Distributors L.L.P., and Sole Brothers, Inc. - \$130,000 - (Commission Districts 1, 2, 3 and 4)

**APPROVED**

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

**21-1211**

WALK-ON - Resolution Appointing Robert Vaughan, and the Law Firm of Kim Vaughan Lerner LLP, as Special Counsel to the City of Fort Lauderdale in Connection with Reestablishing the Boundaries of the Four City Commission Districts Following the 2020 Decennial Census (Redistricting) - (Commission Districts 1, 2 and 4)

City Attorney Boileau explained details of this Walk-On Resolution. The November 16, 2021 Commission Regular Meeting Agenda included a resolution appointing Robert Vaughan and the Law Firm of Kim Vaughan Lerner LLP as special counsel to the City in connection with reestablishing the boundaries of the four (4) City Commission Districts following the 2020 Decennial Census. Staff was requested to remove the Resolution and defer it to a subsequent meeting. City Attorney Boileau explained details related to this request and noted time is of the essence for a Commission decision regarding the type of entity to engage for redistricting.

In response to Mayor Trantalis' question, Vice Mayor Moraitis requested additional input from Commission Members.

In response to Mayor Trantalis' question, Commissioner McKinzie confirmed his opposition to the Resolution and his preference to use academia versus a private law firm. Commissioner McKinzie commented on the need for transparency and expounded on his positive perspective regarding the Broward County (County) redistricting process.

Mayor Trantalis recognized Robert Vaughan, Esq., Kimi Vaughan Lerner LLP. Mr. Vaughan explained benefits of utilizing his firm, including legal analysis and counseling.

In response to Mayor Trantalis' question, Mr. Vaughan explained the redistricting timeline goal of March or April 2022.

In response to Mayor Trantalis' question, City Manager Lagerbloom explained details of this Agenda item recommendation, acknowledged the academic route is equally appropriate and said several proposals from academic systems were received.

Commissioner McKinzie discussed his perspective regarding the recommendation for redistricting, his preference to utilize academia and allow the Commission to review all available options.

Mr. Vaughan reiterated his firm is a combined team that would include technical expertise and legal counseling. He expounded on details and

benefits. Further comment and discussion ensued.

Commissioner Sorensen agreed with Commissioner McKinzie's viewpoint to use an academic entity. Vice Mayor Moraitis and Commissioner Glassman concurred. Commissioner Glassman commented on technology available, the ability of Staff to handle redistricting in-house, and his willingness to go the academic route.

City Manager Lagerbloom confirmed and said Broward County's redistricting was done by Florida International University (FIU).

Mayor Trantalis confirmed a consensus to utilize academia and thanked Mr. Vaughan for attending. Further comment and discussion ensued.

In response to Mayor Trantalis' question, City Manager Lagerbloom confirmed he could present an academic redistricting recommendation to the Commission at the January 5, 2022 Commission Regular Meeting. Further comment ensued.

City Attorney Boileau remarked on the need to review aspects of Broward County's redistricting process to ensure academia proposals received by the City include the same process. Mayor Trantalis requested City Attorney Boileau expedite that review.

In response to Commissioner Sorensen's question, Commissioner McKinzie explained his understanding of the County's selection process for redistricting maps. Further comment and discussion ensued.

**DISCUSSED - No Action Taken**

## MOTIONS

### M-1 [21-1171](#)

Motion Approving an Application for Temporary Beach License, Outdoor Event Agreement and Music Exemption for SEAGLASS - The Fort Lauderdale Rose Experience - (Commission District 2)

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

### APPROVED

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

### M-2 [21-1172](#)

Motion Approving an Event Agreement, Related Road Closures and Request for Music Exemption for SOK-UP Day Fete - (Commission

District 4)

Mayor Trantalis recognized Ocheline Occy and Ronald Joseph on behalf of the SOK-UP Day Fete Event. Ms. Occy requested a one (1) hour event time extension to 11:00 p.m. Commissioner Glassman said it was included in the event application.

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

**APPROVED**

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

**M-3**     [21-1138](#)

Motion Approving Settlement Agreement with Sweet Mornings, LLC, in Case No. CACE 21-011148 (25), Circuit Court, Seventeenth Judicial Circuit - (Commission Districts 1, 2, 3 and 4)

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

**APPROVED**

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

**RESOLUTIONS**

**R-1**     [21-1192](#)

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 *January 5, 2022 Commission Regular Meeting*.

City Clerk Modarelli said there would be two (2) Downtown Development Authority (DDA) positions open starting in January 2022, and there are four (4) DDA consensus nominations, Stephanie Toothaker, Esq., Rocco Ferrera, Dev Motwani, and Margi Nothard.

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

In response to Commissioner Sorensen's question regarding criteria for DDA Membership, City Clerk Modarelli commented on numerous criteria.

Mayor Trantalis explained the original purpose of the DDA was to establish a self-taxing district within a defined geographic area and having stakeholder members to make determinations regarding what is in the best interest of the DDA to enhance economic development. City Attorney Boileau read the enabling legislation.

In response to Mayor Trantalis' question regarding the definition of the downtown area to determine nominee eligibility criteria, City Attorney confirmed he would research and advise.

In response to Commissioner Glassman's question, City Clerk Modarelli said DDA nominations are vetted by John Milledge, Esq., DDA Counsel.

Mayor Trantalis recognized Jenni Morejon, Executive Director, Fort Lauderdale DDA. Ms. Morejon explained approximate DDA boundaries. To be considered part of the DDA, parcels within this area would be commercial, vacant or nonresidential in nature.

Ms. Morejon explained details of the vetting process. The City's online application completed by applicants include answer questions outlined by the City Attorney meeting DDA Charter criteria. A subsequent review of applications by Ms. Morejon and legal counsel determines whether applicants meet DDA Charter requirements.

City Attorney Boileau confirmed a metes and bounds definition of downtown.

In response to Mayor Trantalis' question, Ms. Morejon confirmed all four (4) DDA nominees meet DDA Charter requirements.

In response to Commissioner Glassman's question, Ms. Morejon commented on additional aspects for nominee consideration, including individuals who are ready, willing and able to advance downtown as a key destination for our region, assist with capital projects and policy work to improve downtown.

Vice Mayor Moraitis nominated Dev Motwani. Commissioner McKinzie nominated Dev Motwani and Stephanie Toothaker.

Commissioner Glassman commented on his two (2) women nominees, Margi Nothard and Stephanie Toothaker, based on his review of the DDA membership over the years, and his perspective that it needs to be more diverse.

Commissioner Sorensen confirmed his comfort with both Vice Mayor Moraitis and Commissioner Glassman's nominees. Further comment ensued.

In response to Commissioner Glassman's question, City Clerk Modarelli said there would be a DDA opening in December 2022.

Mayor Trantalis said three (3) Commissioner Members nominated Stephanie Toothaker and three (3) Commissioner Members nominated Dev Motwani.

City Clerk Modarelli clarified that Stephanie Toothaker and Dev Motwani would be appointed to the DDA at the January 5, 2022 Commission Regular Meeting.

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

**ADOPTED**

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

**R-2**     [21-1121](#)

Resolution Adopting a Net Zero Greenhouse Gas Emissions Policy and Supporting Joining the ICLEI150 Race to Zero - (Commission Districts 1, 2, 3 and 4)

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

**ADOPTED**

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

**R-3**     [21-0993](#)

Quasi-Judicial Resolution Approving Plat Known as "Luckey's" Plat - Located at 1100 West State Road 84 - 1100 Hotels, LLC - Case No. UDP-P21003 - (Commission District 4)

Anyone wishing to speak must be sworn in. Commission will announce any site visits, communications or expert opinions received and make them part of the record.

Each Commission Member disclosed verbal communications, written communications, site visits and expert opinions received.

Mayor Trantalis opened the public hearing.

There being no one wishing to speak on this item, Commissioner

McKinzie made a motion to close the public hearing which was seconded by Commissioner Glassman. Roll call showed: AYES: Vice Mayor Moraitis, Commissioner Glassman, Commissioner McKinzie, Commissioner Sorensen and Mayor Trantalis

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

**ADOPTED - Approving Plat**

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

## **PUBLIC HEARINGS**

**PH-1**     [21-1154](#)

Resolution Awarding City-Owned Surplus Property Located at 4270 SW 11th Street, Plantation, Florida 33317 to the City of Plantation, Pursuant to Section 8.02 of the Charter of the City of Fort Lauderdale - (Commission Districts 1, 2, 3, and 4)

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

**ADOPTED**

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

**PH-2**     [21-1186](#)

De Novo Hearing - Consideration of a Quasi-Judicial Resolution for Site Plan Level III Application - 808 SE 4th Residences - Case No. R19052 - 808 SE 4th Street - (Commission District 4)

Mayor Trantalis opened the public hearing.

Mayor Trantalis provided an overview of this Agenda item that is a Commission Member Call-Up Agenda item that resulted in De Novo Hearing approval for the 808 SE 4th Residences Site Plan Level 3 Application (Site Plan).

Mayor Trantalis recognized Stephanie Toothaker, Esq., 901 Ponce de Leon Drive, on behalf of the Applicant. Ms. Toothaker introduced her team members in attendance. She narrated a presentation illustrating details of the Site Plan Application.

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

In response to Commissioner Glassman's question regarding the calculation of Site Plan units, Ms. Toothaker explained it was a calculation error and noted the correct number of units in the podium is



six (6).

Ms. Toothaker discussed Site Plan approval requirements, which the Applicant met and explained related details included in the Staff Report, Staff testimony and Planning and Zoning Board's (P&Z Board) approval.

Ms. Toothaker discussed the history related to the Site Plan beginning with the Applicant's purchase of the parcel in September of 2016 and Staff's work in 2019 to draft Code amendments codifying the Downtown Master Plan (DMP), which included transition zones. The Applicant submitted this application to the Development Review Committee (DRC) in June 2019 based upon the existing Code. The Site Plan was submitted before codification of the DMP and is subject to the Unified Land Development Regulations (ULDR) in the Downtown Regional Activity Center (RAC). Development applications received and pending review on or before November 5th of 2020, the date the Commission adopted the DMP, may be amended and modified through provisions of the ULDR in effect when the Applicant submitted the approved application. The Site Plan is located near the downtown in the DMP transition zone.

Ms. Toothaker commented on neighborhood compatibility, which considers other factors. She noted transition zones decisions were associated with guiding master plans.

Ms. Toothaker explained details regarding the parcel's land use is in the Downtown Regional Activity Center (RAC), intended for more intense development and discussed zoning and permitted uses. She expounded on details of surrounding and adjacent properties illustrated in the slide presentation.

Mayor Trantalis commented that slide depictions of the area do not include single-family homes and two (2) story dwellings lining the street. Ms. Toothaker explained they are not adjacent to the Project. Further comment ensued.

Ms. Toothaker remarked on other prior projects considered by the Applicant for the parcel and detailed the proposed Site Plan.

Ms. Toothaker explained the project is not located within the Colee Hammock Neighborhood or the Beverly Heights Neighborhood and remarked on noted letters of support presented at a previous Commission Regular Meeting.

Mayor Trantalis recognized Ellyn Bogdanoff, Esq., Becker & Poliakoff,

PA, 1 E. Broward Boulevard, on behalf of SE 4th Street residents. Ms. Bogdanoff narrated a slide presentation outlining the position of residents opposing the Site Plan.

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

Ms. Bogdanoff remarked that dimensional aspects of the Code do not have the foresight to define neighborhood compatibility. Neighborhood compatibility is a different aspect that needs to be considered. She remarked on the Site Plan's setbacks, its proximity to adjacent buildings, aspects of structures in surrounding communities and said the area is a unique part of the community that should be maintained. Though the Applicant met dimensional requirements, the Site Plan is not compatible with the neighborhood. Ms. Bogdanoff reviewed factors illustrating the Project's incompatibility with the neighborhood.

Ms. Bogdanoff reviewed documentation indicating the site is in the Colee Hammock Neighborhood and provided details for considering neighborhood compatibility. She further discussed that the Site Plan does not preserve the historic character of the Colee Hammock Neighborhood, and residents were not aware that in August 2017 maps were redrawn resulting in this area of SE 4th Street being carved out of the Colee Hammock Neighborhood.

Ms. Bogdanoff remarked on comments at the P&Z Board Meeting regarding neighborhood compatibility and concerns related to the letter of support from the Rivercrest Condominium Board. She expounded on additional details of the P&Z Board Meeting and noted previous Commission denial of projects based on compatibility.

Ms. Bogdanoff noted three (3) components of the Code; dimensional codes, transition and neighborhood compatibility. This Site Plan does not meet neighborhood compatibility. Neighborhoods have been instrumental in ensuring that neighborhood compatibility remains in the Code and is an important factor to consider and as significant as any other aspect. Further comment ensued.

Mayor Trantalis recognized Michael Sean Hartnett, 2100 S. Ocean Lane. Mr. Hartnett spoke in support, citing benefits to the community.

Mayor Trantalis recognized former Mayor Jim Naugle, 801 N. Rio Vista Boulevard. Mayor Naugle spoke in opposition to the Site Plan and discussed details related to the Site Plan's incompatibility.

Mayor Trantalis recognized Jerry Jordan, 1109 SE 4th Street. Mr. Jordan

spoke in opposition to the Site Plan and commented on similar history in Colee Hammock.

In response to Commissioner Glassman's questions, Mr. Jordan confirmed he was speaking as an individual and said the Colee Hammock Neighborhood has a Master Plan. Commissioner Glassman commented on his understanding that the Colee Hammock Master Plan does not go west to 12th Avenue. Further comment ensued.

Mayor Trantalis recognized Mary Herring, 816 N. Rio Vista Boulevard. Ms. Herring spoke in opposition and commented on neighbors not being aware of the project. She provided a petition in opposition to the Site Plan.

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

City Attorney Boileau advised against allowing Steve Ganon, a Planning & Zoning Board member, to speak on this Agenda item in order to preserve the record. Further comment ensued.

Mayor Trantalis recognized Colgate Darden, 833 N. Rio Vista Boulevard. Mr. Darden spoke in opposition to the Site Plan and expounded on his viewpoint regarding aspects of the transition rules not crossing the New River.

Mayor Trantalis recognized Luis Franco, 4903 Spinnaker Drive, on behalf of Megan Hartnett, a unit owner at Rivercrest Condominium. Mr. Franco spoke in support of the Site Plan and expounded on related details.

Mayor Trantalis recognized Steve Ganon, 2717 N. Atlantic Boulevard. Mr. Ganon commented on his participation at the related P&Z Board Meeting.

Mayor Trantalis recognized Sam Leven 800 SE 4th Street. Mr. Leven spoke in opposition to this item and cited his reasoning.

Mayor Trantalis recognized James Vincent Facciolo, 1201 SE 2nd Court, on behalf of Antonio Cupelli, owner of Café Europa and two (2) units at Chateau Mar. Mr. Facciolo spoke in opposition to this Agenda item, citing incompatibility with the neighborhood and other concerns.

Mayor Trantalis recognized Adam Adache, 550 S. Federal Highway. Mr. Adache said he had no affiliation with this Project or the architect and spoke in support of this Project.

In response to Mayor Trantalis' question, Mr. Adache confirmed his opinion that this Project satisfied neighborhood compatibility and expounded on details. Further comment and discussion ensued.

Mayor Trantalis recognized Stephen Buckley, 126 NE 17th Avenue, on behalf of his sister, Pat Norris, and Tom O'Reilly, Rivercrest Condominium owners. He spoke in opposition to the Site Plan and expounded on details related to Rivercrest Condominium Board support of the Site Plan.

In response to Commissioner Glassman's question regarding the Rivercrest Condominium Board's endorsement of this Project, Mr. Buckley explained his understanding and said the majority of Rivercrest Condominium owners do not support the Site Plan.

Mayor Trantalis recognized Kathy Haines, 818 SE 4th Street. Ms. Haines spoke in opposition to the Project.

Mayor Trantalis recognized Robert Saugstad, 818 NE 4th Street. Mr. Saugstad, a member of the Rivercrest Condominium Board (Board), spoke in opposition to the Project. In response to Commissioner Glassman's question regarding the Board's protocol and process, Mr. Saugstad explained his understanding and commented on related details. Commissioner Glassman discussed protocols and the process of condominium board meetings. Further comment and discussion ensued.

Mayor Trantalis recognized Leann Deuser, 800 SE 4th Street. Ms. Deuser spoke in opposition to the Site Plan and explained her perspective.

Mayor Trantalis recognized Lillian Hessing, 800 SE 4th Street. Ms. Hessing spoke in opposition to the Site Plan and explained her viewpoint.

Mayor Trantalis recognized Marcia Cepelowicz, 800 SE 4th Street. Ms. Cepelowicz spoke in opposition to the Site Plan.

Mayor Trantalis recognized Arden Kahlo, 800 SE 4th Street. Mr. Kahlo spoke in opposition to the Site Plan, stating it is incompatible with the neighborhood.

Mayor Trantalis recognized Gerald Fritz, 800 SE 4th Street. Mr. Fritz spoke in opposition to the Project and explained details.

Mayor Trantalis recognized Steve Craven, 818 SE 4th Street. Mr. Craven spoke in opposition to the Project and expounded on his viewpoint.

Mayor Trantalis recognized Midge Clark Bachewicz, 818 SE 4th Street. Ms. Bachewicz spoke in opposition to the Project and explained her reasons.

In response to Commissioner Sorensen's question, Ms. Bachewicz said her understanding is the neighborhood was cut out of the Colee Hammock Neighborhood in 2017 and were not notified. Further comment and discussion ensued regarding condominium owners not participating in Colee Hammock Civic Association Meetings and related details.

Mayor Trantalis recognized Allan Bachewicz, 818 SE 4th Street. Mr. Bachewicz spoke in opposition to the Project and requested the Commission consider neighborhood compatibility.

Mayor Trantalis recognized Alyssa Espinosa, 2100 S. Ocean Lane. Ms. Espinosa spoke in support of the Project.

In response to Mayor Trantalis' question regarding the \$1,000,000 price point for this Project's units, Ms. Espinosa commented on the ability of young information technology professionals to afford.

Mayor Trantalis recognized Michael Hartnett, 818 SE 4th Street, and Rivercrest Condominium Association President. Mr. Hartnett spoke in support of the Project and discussed details related to his involvement and the process.

In response to Commissioner Glassman's questions regarding residents' awareness of the City's 2017-2019 process related to the DMP, Downtown RAC, transition zones, and removal of this area from the Colee Hammock Neighborhood, Mr. Hartnett explained his understanding and perspective. Further comment ensued.

Commissioner Glassman commented on the large amount of information the City sends out to the community, the ease of signing up for City emails and questioned why neighbors were unaware of those processes. Further comment and discussion ensued.

Mayor Trantalis recognized Doug McDaniel, 800 SE 4th Street, Chateau Mar Condominium Board member. Mr. McDaniel commented on his opposition to the Site Plan and recommended the Applicant build

smarter and reduce building height to eight (8) stories.

Mayor Trantalis recognized Susie Baker, 818 SE 4th Street, Rivercrest Condominium Board Vice President. Ms. Baker spoke in support of the Project and expounded on her perspective and cited examples.

In response to Commissioner McKinzie's question, Ms. Baker explained views from Rivercrest Condominium face southeast of the river. Further comment ensued. Commissioner McKinzie commented on input from Rivercrest unit owners regarding views of the river.

Mayor Trantalis recognized Luke Moorman, 1015 E. Sunrise Boulevard, Las Olas Association President. Mr. Moorman spoke in support of the Project and said there were no negative comments when presented to members of the Las Olas Association.

City Attorney Boileau again cautioned and advised against inappropriately adding to the record by allowing Planning & Zoning Board member Jacquelyn Scott to speak due to concerns about preserving the record. Further comment ensued.

In response to Commissioner Glassman's comment regarding his interest in hearing from Ms. Scott as President of Colee Hammock Civic Association, not as a P&Z Board member, Mr. Boileau confirmed his objection but noted it is a Commission decision.

Mayor Trantalis recognized Randy Tulepan, 808 SE 4th Street, Site Plan Developer and Applicant. Mr. Tulepan spoke in support of the Project and explained efforts and concessions made while working with stakeholders.

In response to Commissioner McKinzie's question, Mr. Tulepan explained aspects and details associated with his proposed concessions to SE 4th Street residents. Further comment and discussion ensued.

In response to Commissioner Glassman's question, Mr. Tulepan said relative to this Site Plan, the only seawalls he is addressing are those along the property of the Site Plan and Rivercrest Condominiums.

Mayor Trantalis recognized Jacquelyn Scott, 111 SE 8th Avenue, and President of the Colee Hammock Civic Association. Ms. Scott explained she is attending to address the accuracy of testimony.

In response to Commissioner Glassman's question, Ms. Scott explained

the Colee Hammock Master Plan. Association boundaries include the New River on the south, Broward Boulevard on the north, South Victoria Park Road on the east, and SE 12th Avenue on the west. The Colee Hammock Master Plan includes these boundaries. Condominiums within these boundaries are encouraged to be a Colee Hammock Civic Association member. Ms. Scott said she has no knowledge of areas being cut out of the Colee Hammock Civic Association in 2017.

There being no one wishing to speak on this item, Commissioner McKinzie made a motion to close the public hearing, which was seconded by Commissioner Glassman. Roll call showed: AYES: Vice Mayor Moraitis, Commissioner Glassman, Commissioner McKinzie, Commissioner Sorensen and Mayor Trantalis

In response to Commissioner Sorensen's questions, City Attorney Boileau provided an overview and explained what the Commission can consider when determining a decision and cited examples. Further comment and discussion ensued.

In response to Commissioner Sorensen's questions, Anthony Fajardo, Development Services Department Director, reviewed aspects of the DMP and transition zones as illustrated in the Staff slide presentation.

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

Mr. Fajardo said this area is not located within the boundaries of the registered Colee Hammock Civic Association. Mr. Fajardo noted the probability that Colee Hammock Civic Association boundaries were determined upon ratifying the Colee Hammock Civic Association. Further comment ensued. Mr. Fajardo explained Staff does not consider civic association boundaries when considering neighborhood compatibility, and Staff considers the general area.

**22-0045**

WALK-ON - Motion to Extend Commission Meeting until 11 pm

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

**APPROVED**

**Yea:** 6 - Vice Mayor Moraitis, Commissioner Glassman, Commissioner McKinzie, Commissioner Sorensen and Mayor Trantalis

Each Commission Member disclosed verbal communications, written communications, site visits and expert opinions received.

Mr. Fajardo said Code does not define distance for neighborhood compatibility. He reviewed Code Sections 47.25 and 47.24 relative to Site Plan Levels 1, 2, 3 and 4 and noted the need to determine what sections apply to neighborhood compatibility. Mr. Fajardo pointed out the importance of a key part of the Code in Section 47.25.3 relative to neighborhood compatibility.

Mr. Fajardo commented on Staff's analysis and recommendation regarding this Agenda item. He explained Code language before the codification of the Downtown Master Plan in November 2020 to meet neighborhood compatibility. Staff relies on the Downtown Master Plan as its guiding document relative to height. Additional comment ensued. The Applicant provided an additional setback on the water that addressed the non-codified New River Master Plan. From a Staff perspective, Applicant met master plan neighborhood requirements related to neighborhood compatibility when the application was submitted.

In response to Mayor Trantalis' question regarding Staff erring on the side of a developer of Projects before the Commission, Mr. Fajardo explained when projects reach the Commission level, significant compromises have been reached between the Applicant and Staff. Mayor Trantalis commented on his perspective regarding this Site Plan and the need to protect neighborhoods. Further comment ensued.

Mayor Trantalis cited examples and discussed the need for Staff to consider and assess intent concerning neighborhood compatibility before projects come before the Commission. Further comment and discussion ensued.

City Attorney Boileau explained that with a permissive Code, Staff does not have the discretion to make decisions regarding neighborhood compatibility. It is up to the Commission.

In response to questions from the Commission regarding elements of neighborhood compatibility the Commission could apply, Mr. Fajardo explained details and quoted applicable Code sections prior to 2020. He cited examples related to consideration and evaluation of what is appropriate. Mr. Fajardo explained height is based on general surroundings versus the zoning district. Further comment and discussion ensued.



In response to Commissioner Glassman's question regarding the location of this transition zone, Mr. Fajardo explained this transition zone was always drawn this way, and predates his time with the City. He explained details related to Staff's review illustrated in the Staff slide presentation. Further comment and discussion ensued.

In response to Commissioner Glassman's question regarding evaluating this Site Plan under the current Code versus prior Code, Mr. Fajardo explained prior Code reflects *preferred* setbacks and tower separation. Current Code reflects *required* setbacks and tower separation. He referred to the P&Z Board Staff Report indicating differences in tower separation and podium setbacks and cited examples.

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

In response to Commissioner Sorensen's question regarding traffic, Mr. Fajardo explained there was a Traffic Statement versus a Traffic Analysis because the daily trip threshold was not met.

Ben Rogers, Transportation and Mobility (TAM) Department Director, explained the Traffic Statement. There would be five hundred fifteen (515) new trips that include a two hundred nine (209) trip credit for thirty-three (33) existing units, equaling three hundred six (306) net new trips per day. Further comment and discussion ensued.

Vice Mayor Moraitis discussed the reasons for calling up this Agenda item and commented on modifications made by the Applicant to the Site Plan, her site visits and perspective.

In response to Vice Mayor Moraitis' question regarding the New River Master Plan (NRMP), Mr. Fajardo said, though not codified, the NRMP sets the parameters and guidelines as to what could be developed along the north side of New River. The NRMP was developed as a companion document to the DMP. He explained details regarding the Applicant's modifications to the Site Plan to accommodate aspects of the NRMP. Further comment ensued.

Vice Mayor Moraitis discussed her viewpoint regarding the Site Plan, neighborhood compatibility, the process requiring a decision based on the Applicant's meeting Code requirements. She confirmed her comfort moving this item forward.

In response to Commissioner Glassman's question regarding other applicants proposing developments across the street from this site, Mr.

Fajardo said nothing has officially been submitted.

Commissioner Glassman discussed concerns related to a Commission decision, consistency going forward, the unique and complicated nature of this decision and other factors. He commented on the importance of zoning decisions and related consequences. Commissioner Glassman commented on possibly revisiting the entire transition zone area and expounded on his viewpoint.

Mr. Fajardo confirmed this is a unique situation, commented on related details and noted a similar area near Sailboat Bend.

Commissioner Glassman expounded on his perspective and the explained need to follow the law.

Commissioner Sorensen explained his viewpoint and acknowledged concessions by the Applicant. He agreed with Commissioner Glassman's comments regarding the need to revisit transition zones. Commissioner Sorensen said based on Code cited by Mr. Fajardo and the Applicant meeting requirements, the Site Plan is compatible with the neighborhood.

Mayor Trantalis discussed his perspective regarding criteria and this Site Plan and the ability to improve the design of neighborhoods to maintain their integrity and quality of life.

Commissioner Glassman made one additional disclosure.

City Manager Lagerbloom noted the need to introduce this Resolution as amended. Ms. Toothaker confirmed modifications include a reduction in units from seventy-seven (77) to sixty-seven (67) and a reduction in height from one hundred thirty-seven point five (137.5) feet to one hundred twenty-eight (128) feet.

Commissioner Sorensen introduced this Resolution as amended, reducing the number of units from (seventy) 77 to sixty-seven (67), reducing the building height from one hundred thirty-seven point five (137.5) feet to one hundred twenty-eight (128) feet and reducing the number of parking spaces from one hundred fifty-five (155) to one hundred thirty-five (135), which was read by title only.

**ADOPTED AS AMENDED**

**Yea:** 4 - Vice Mayor Moraitis, Commissioner Glassman, Commissioner McKinzie and Commissioner Sorensen

**Nay:** 1 - Mayor Trantalis

**ORDINANCE FIRST READING****OFR-1** [21-1141](#)

Ordinance Amending Division 2., "Administration and Enforcement," of Article IV., of Chapter 26 to Revise the Administrative Appeal Process for Parking Citations and Defective Parking Meters - (Commission Districts 1, 2, 3 and 4) - Requesting Deferment to January 5, 2022

City Manager Lagerbloom confirmed a request for deferment to the January 5, 2022 Commission Regular Meeting.

Commissioner Sorensen made a motion to defer this item to the January 5, 2022 Commission Regular Meeting and was seconded by Commissioner Glassman.

**DEFERRED to January 5, 2022**

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

**ORDINANCE SECOND READING****OSR-1** [21-1151](#)

Second Reading - Ordinance Amending the Non-Bargaining Unit Classification Table of the Pay Plan of the City of Fort Lauderdale, Florida by Revising the Pay Grade of Two (2) Classifications - (Commission Districts 1, 2, 3 and 4)

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

**ADOPTED ON SECOND READING**

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

**OSR-2** [21-1188](#)

Second Reading - Quasi-Judicial Ordinance Vacating Right-of-Way Identified as a 40-foot wide by 125-foot-long Portion of NE 5th Terrace Between north of NE 6th Street and south of NE 7th Street - Flagler Sixth, LLC - Case No. UDP-V21001 - (Commission District 2)

Anyone wishing to speak must be sworn in. Commission will announce any site visits, communications or expert opinions received and make them part of the record.

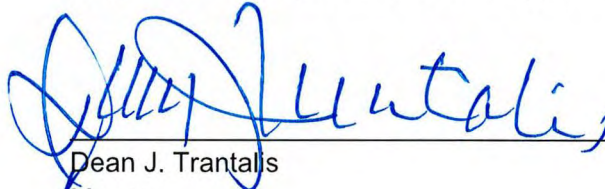
Commissioner Sorensen introduced this Ordinance for the Second Reading which was read by title only.

**ADOPTED ON SECOND READING**


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

**ADJOURNMENT**

Mayor Trantalis adjourned the meeting at 10:57 p.m.

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

ATTEST:

  
\_\_\_\_\_  
David R. Solomon  
City Clerk

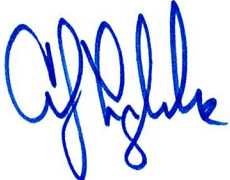


**CITY OF FORT LAUDERDALE**  
**City Commission Agenda Memo**  
**REGULAR MEETING**

#21-1170

12-21-21  
CM-1  
REVISED  
Title

**TO:** Honorable Mayor & Members of the  
Fort Lauderdale City Commission

**FROM:** Chris Lagerbloom, ICMA-CM, City Manager 

**DATE:** December 21, 2021

**TITLE:** **REVISED CM-1** - Motion Approving Event Agreements for Name Above  
All Names, Baby Shower, Florida Flow Fest, and ICD Burlesque Show -  
(Commission Districts **2** and **4**)

**Recommendation**

Staff recommends the City Commission approve an event agreement with Zealous for Zion Healing, Inc., Ronald Joseph (Individual), Monkey Dust Productions LLC and Aids Healthcare Foundation, Inc., in substantially the form attached, and authorize execution of the agreements by the City Manager.

**Background**

City staff has been working closely with the event organizers regarding event topics, such as logistics, maintenance, and security as detailed below. The Police Department recommends approval of the closing of the City streets where appropriate, and event parking has been satisfactorily arranged. When applicable, amplified music was discussed, and the event organizers were advised of the noise ordinance and possible concerns.

The organizers will pay for all event costs and submit the required certificates of insurance. The event organizer will also secure all other necessary permits and licenses that are required from other agencies. Civic and merchant associations have been notified, as appropriate, regarding events in their areas. Specific event details are included in each event application, as attached.

Where applicable, the City Commission authorizes amplified music for the event listed herein.

Authorization for the execution of the event agreement is contingent upon the City Attorney's Office receiving and approving a validly executed agreement.

Event 1: Name Above All Names

Applicant: Zealous for Zion Healing, Inc.  
Date/Time: Saturday, January 22, 2022 (2:00pm – 9:00pm)  
Location: Esplanade Park  
400 SW 2nd St, Fort Lauderdale, FL 33312  
Set Up Date/Time: Saturday, January 22, 2022 (8:00am - 1:00pm)  
Breakdown Date/Time: Saturday, January 22, 2022 (9:00pm – 10:00pm)  
Road Closing: No  
Alcohol: No  
Amplified Music: Yes - Saturday, January 22, 2022 (2:00pm – 9:00pm)  
Special Permission: Amplified Music/Extended Road Closure - No  
Insurance Required: Yes  
Banners: No  
Pending Code Violations: No  
Application Fee: \$200 paid

Event 2: Baby Shower

Applicant: Ronald Joseph (Individual)  
Date/Time: Sunday, January 23, 2022 (3:00pm – 9:00pm)  
Location: Las Olas Garage Rooftop  
200 Las Olas Cir, Fort Lauderdale, FL 33316  
Set Up Date/Time: Sunday, January 23, 2022 (10:00am - 1:00pm)  
Breakdown Date/Time: Sunday, January 23, 2022 (9:00pm – 10:30pm)  
Road Closing: No  
Alcohol: Yes  
Amplified Music: Yes - Sunday, January 23, 2022 (3:00pm – 9:00pm)  
Special Permission: Amplified Music/Extended Road Closure - No  
Insurance Required: Yes  
Banners: No  
Pending Code Violations: No  
Application Fee: \$200 paid

Event 3: Florida Flow Fest

Applicant: Monkey Dust Productions LLC  
Date/Time: Sunday, January 23, 2022 (10:00am – 8:30pm)

Location: Esplanade Park  
400 SW 2nd St, Fort Lauderdale, FL 33312  
Set Up Date/Time: Sunday, January 23, 2022 (7:00am – 10:00am)  
Breakdown Date/Time: Sunday, January 23, 2022 (8:30pm – 10:00pm)  
Road Closing: No  
Alcohol: No  
Amplified Music: Yes - Sunday, January 23, 2022 (10:00am – 8:30pm)  
Special Permission: Amplified Music/Extended Road Closure - No  
Insurance Required: Yes  
Banners: No  
Pending Code Violations: No  
Application Fee: \$200 paid

Event 4: ICD Burlesque Show

Applicant: Aids Healthcare Foundation, Inc.  
Date/Time: Saturday, February 12, 2022 (7:00pm – 9:00pm)  
Sunday, February 13, 2022 (7:00pm – 9:00pm)  
**\*\*Sunday is a Rain Date\*\***  
Location: Las Olas Intracoastal Promenade Park  
80 Las Olas Cir, Fort Lauderdale, FL 33316  
Set Up Date/Time: Friday, February 11, 2022 (8:00am – 8:00pm)  
Breakdown Date/Time: Saturday, February 12, 2022 (9:00pm – 11:00pm)  
Sunday, February 13, 2022 (9:00pm – 11:00pm)  
**\*\*Sunday is a Rain Date\*\***  
Road Closing: No  
Alcohol: Yes  
Amplified Music: **Yes**  
Saturday, February 12, 2022 (7:00pm – 9:00pm)  
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Special Permission: Amplified Music/Extended Road Closure - No  
Insurance Required: Yes  
Banners: No  
Pending Code Violations: No  
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**Resource Impact**

Revenue related to these agreements is included in the FY 2022 operating budget in the accounts listed below.

<b><i>Funds available as of December 1, 2021</i></b>					
<b>ACCOUNT NUMBER</b>	<b>INDEX NAME (Program)</b>	<b>CHARACTER CODE/ SUB-OBJECT NAME</b>	<b>AMENDED BUDGET (Character)</b>	<b>AMOUNT RECEIVED (Character)</b>	<b>AMOUNT</b>
001-PKR033401-K029	Community Events	Charges for Service/ Nonsponsor Charges – Spec Event Fees	\$163,000	\$3,096	\$800
<b>TOTAL AMOUNT ►</b>					<b>\$800</b>

**Strategic Connections**

This item is a *2021 Top Commission* Priority, advancing the Parks and Public Places initiative.

This item supports the *Press Play Fort Lauderdale 2024 Strategic Plan*, specifically advancing:

- The Public Places Focus Area
- Goal 3: Building a healthy and engaging community.
- Objective: Offer a diverse range of recreational and educational programming

This item advances the *Fast Forward Fort Lauderdale 2035 Vision Plan: We Are Here*.

This item supports the *Advance Fort Lauderdale 2040 Comprehensive Plan* specifically advancing:

- The Public Places Focus Area
- The Parks, Recreation & Open Spaces Element
- Goal 1: Be a community where persons of all ages are able to partake in a fun and healthy lifestyle.

**Attachments**

Exhibit 1 – Name Above All Names Application

Exhibit 1a – Name Above All Names Site Plan

Exhibit 1b– Name Above All Names Agreement

Exhibit 2 – Baby Shower Application

Exhibit 2a – Baby Shower Site Plan

Exhibit 2b– Baby Shower Agreement



Exhibit 3– Florida Flow Fest Application  
Exhibit 3a – Florida Flow Fest Site Plan  
Exhibit 3b– Florida Flow Fest Agreement  
Exhibit 4 – ICD Burlesque Show Application  
Exhibit 4a – ICD Burlesque Show Site Plan  
Exhibit 4b– ICD Burlesque Show Agreement  
Exhibit 5 – January 2022 Special Event Calendar  
Exhibit 6 – February 2022 Special Event Calendar

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Prepared by: Brittany Henry, Special Events Coordinator, Parks and Recreation Department

Department Director: Phil Thornburg, Parks and Recreation Department

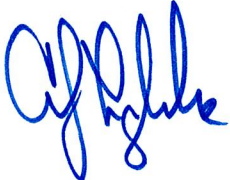


**CITY OF FORT LAUDERDALE**  
**City Commission Agenda Memo**  
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#21-1170

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Applicant: Aids Healthcare Foundation, Inc.  
Date/Time: Saturday, February 12, 2022 (7:00pm – 9:00pm)  
Sunday, February 13, 2022 (7:00pm – 9:00pm)  
\*\*Sunday is a Rain Date\*\*  
Location: Las Olas Intracoastal Promenade Park  
80 Las Olas Cir, Fort Lauderdale, FL 33316  
Set Up Date/Time: Friday, February 11, 2022 (8:00am – 8:00pm)  
Breakdown Date/Time: Saturday, February 12, 2022 (9:00pm – 11:00pm)  
Sunday, February 13, 2022 (9:00pm – 11:00pm)  
\*\*Sunday is a Rain Date\*\*  
Road Closing: No  
Alcohol: Yes  
Amplified Music: **Yes**  
Saturday, February 12, 2022 (7:00pm – 9:00pm)  
Sunday, February 13, 2022 (7:00pm – 9:00pm)  
\*\*Sunday is a Rain Date\*\*  
Special Permission: Amplified Music/Extended Road Closure - No  
Insurance Required: Yes  
Banners: No  
Pending Code Violations: No  
Application Fee: \$200 paid

**Resource Impact**

Revenue related to these agreements is included in the FY 2022 operating budget in the accounts listed below.

<b><i>Funds available as of December 1, 2021</i></b>					
<b>ACCOUNT NUMBER</b>	<b>INDEX NAME (Program)</b>	<b>CHARACTER CODE/ SUB-OBJECT NAME</b>	<b>AMENDED BUDGET (Character)</b>	<b>AMOUNT RECEIVED (Character)</b>	<b>AMOUNT</b>
001-PKR033401-K029	Community Events	Charges for Service/ Nonsponsor Charges – Spec Event Fees	\$163,000	\$3,096	\$800
<b>TOTAL AMOUNT ►</b>					<b>\$800</b>

**Strategic Connections**

This item is a *2021 Top Commission* Priority, advancing the Parks and Public Places initiative.

This item supports the *Press Play Fort Lauderdale 2024 Strategic Plan*, specifically advancing:

- The Public Places Focus Area
- Goal 3: Building a healthy and engaging community.
- Objective: Offer a diverse range of recreational and educational programming

This item advances the *Fast Forward Fort Lauderdale 2035 Vision Plan: We Are Here*.

This item supports the *Advance Fort Lauderdale 2040 Comprehensive Plan* specifically advancing:

- The Public Places Focus Area
- The Parks, Recreation & Open Spaces Element
- Goal 1: Be a community where persons of all ages are able to partake in a fun and healthy lifestyle.

**Attachments**

Exhibit 1 – Name Above All Names Application

Exhibit 1a – Name Above All Names Site Plan

Exhibit 1b– Name Above All Names Agreement

Exhibit 2 – Baby Shower Application

Exhibit 2a – Baby Shower Site Plan

Exhibit 2b– Baby Shower Agreement

Exhibit 3– Florida Flow Fest Application  
Exhibit 3a – Florida Flow Fest Site Plan  
Exhibit 3b– Florida Flow Fest Agreement  
Exhibit 4 – ICD Burlesque Show Application  
Exhibit 4a – ICD Burlesque Show Site Plan  
Exhibit 4b– ICD Burlesque Show Agreement  
Exhibit 5 – January 2022 Special Event Calendar  
Exhibit 6 – February 2022 Special Event Calendar

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Prepared by: Brittany Henry, Special Events Coordinator, Parks and Recreation Department

Department Director: Phil Thornburg, Parks and Recreation Department





**CITY OF FORT LAUDERDALE  
City Commission Agenda Memo  
REGULAR MEETING**

#21-1211

12-21-21  
WALK-ON  
CAM +  
RESOLUTION

**TO:** Honorable Mayor & Members of the  
Fort Lauderdale City Commission

**FROM:** Alain E. Boileau, City Attorney

**DATE:** December 21, 2021

**TITLE:** Resolution Appointing Robert Vaughan, and the Law Firm of Kim Vaughan Lerner LLP, as Special Counsel to the City of Fort Lauderdale in Connection with Reestablishing the Boundaries of the Four City Commission Districts Following the 2020 Decennial Census (Redistricting) - (**Commission Districts 1, 2, 3 and 4**)

**Recommendation**

The City Attorney recommends that the City Commission adopt a resolution appointing Robert Vaughan, and the law firm of Kim Vaughan Lerner LLP, as special counsel to the City of Fort Lauderdale in connection with reestablishing the boundaries of the four City Commission districts following the 2020 decennial census ("redistricting"), and prescribing the compensation to be paid to such special counsel.

**Background**

Section 7.12 of the Charter of the City of Fort Lauderdale, Florida, provides, in part: "After the receipt of the published information of each decennial census, the city commission shall reestablish the boundaries of the four (4) commission districts so that the districts shall be as approximately equal in population as is practicable."

Robert Vaughan, and the law firm of Kim Vaughan Lerner LLP will provide assistance and counselling regarding the redistricting process in general and the re-drawing of district lines, specifically. The Firm will be a resource for City Commissioners and City Management as the City completes the mandatory redistricting process, including drafting and considering alternative maps and providing legal analysis and counsel regarding the legality of any proposed options. The Firm will also provide technical assistance throughout the process allowing for real time drafting and consideration of proposed maps.

The City Attorney's Office recommends the retention of Robert Vaughan, and the law firm of Kim Vaughan Lerner LLP, in connection with redistricting. The compensation and hourly rates for special counsel is \$400.00 for attorneys, and \$175.00 for paralegals, plus actual reasonable expenses subject to the City Attorney's approval.

15-15-51  
410-811AW  
\* 1192  
60705-583

**Resource Impact**

Funds for this agreement in the amount of \$40,000 are available in the FY 2022 Budget in the account listed below:

<i>Funds available as of December 21, 2021</i>					
ACCOUNT NUMBER	INDEX NAME (Program)	CHARACTER CODE/ SUB- OBJECT NAME	AMENDED BUDGET (Character)	AVAILABLE BALANCE (Character)	AMOUNT
001-ATT010101-3119	City Attorney	Services & Materials/ Legal Services	\$1,022,500	\$690,990	\$40,000
<b>TOTAL AMOUNT ►</b>					<b>\$40,000</b>

**Attachment**

Exhibit 1 – Resolution

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Prepared by: Alain E. Boileau, City Attorney, City Attorney's Office

Charter Officer: Alain E. Boileau, City Attorney



12-21-21  
M-3  
REVISED  
EXHIBIT 1  
TO INCLUDE  
EXHIBIT

IN THE CIRCUIT COURT OF THE 17<sup>TH</sup>  
JUDICIAL CIRCUIT IN AND FOR  
BROWARD COUNTY, FLORIDA

CASE NO.: CACE-21-011148-25

CITY OF FORT LAUDERDALE,

Plaintiff,

vs.

SWEET MORNINGS, LLC, ET AL.,

Defendants,

---

**AMENDED SETTLEMENT AGREEMENT**

This Amended Settlement Agreement ("Agreement") is entered into on this \_\_\_\_ day of December 2021 by Petitioner, the City of Fort Lauderdale ("City"), and Defendant, Sweet Mornings, LLC ("Sweet Mornings") (City and Sweet Mornings, collectively, will be referred to as the "Parties"). This Agreement supersedes that Settlement Agreement entered into between the Parties on December 2, 2021.

**Recitals**

**WHEREAS** City has filed the above-styled eminent domain proceeding (the "Action") to acquire Sweet Mornings, LLC's property (the "Property") having the following legal description:

Lots 1, 2, 3 and 4 and the South One-half (1/2) of the vacant alley abutting said Lots in Block 125 of Waverly Place, according to the Plat thereof, as recorded in Plat Book 2, Page 19, of the Public Records of Miami-Dade County, Florida; Said Lands Lying and Being in Broward County, Florida.

objection(s) to the apportionment and disbursement of the recovery contemplated by the Stipulated Order, the Parties shall jointly move for the entry of a Stipulated Order of Taking and Final Judgment without apportionment and disbursement and Sweet Mornings will separately move for apportionment and disbursement of the recovery.

3. Sweet Mornings shall not rent any units on the Property to new tenants or renew or extend the terms of any lease to an existing tenant on the Property. Upon the receipt of written notice from the City of deposit into the court registry of the agreed upon settlement sum, as outlined within Exhibit 1, Sweet Mornings shall complete the following tasks: (1) forward or pay over to the City all pro-rated rents received from tenants of the Property corresponding to the period after the deposit into the court registry and the transfer of ownership date set forth in Exhibit 1; (2) provide to the City an up-to-date list of the leases, rental terms, and rental payments, including payment history, of all current tenants.

4. Following deposit into the court registry, the City shall have the right and power to collect all rents which were owing to Sweet Mornings as landlord prior to the deposit into the court registry.

5. Within five (5) business days of the deposit into the court registry and transfer of title of the Property to the City, Sweet Mornings shall forward or pay over to the City any money paid to Sweet Mornings by the current tenants of the Property as security deposits, advance rental payment deposits, or other deposit funds. Sweet Mornings will also fully cooperate with the City to transfer of any utility service accounts or permits related to the Property to the City.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
HEATH R. STOKLEY  
Florida Bar No. 183644  
KIRSTEN H. MOOD  
Florida Bar No. 115595  
Nabors, Giblin & Nickerson, P.A.  
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**COUNSEL FOR PETITIONER  
CITY OF FORT LAUDERDALE**

**CITY OF FORT LAUDERDALE  
CITY COMMISSION**

By: \_\_\_\_\_  
Mayor  
DEAN J. TRANTALIS

By: \_\_\_\_\_  
City Manager  
CHRISTOPHER J. LAGERBLOOM

ATTEST:

By: \_\_\_\_\_  
City Clerk  
JEFFREY A. MODARELLI

APPROVED AS TO FORM AND  
CORRECTNESS:

By: \_\_\_\_\_  
City Attorney  
ALAIN E. BOILEAU

**EXHIBIT 1**

**STIPULATED ORDER**

3. The pleadings in this cause are sufficient, Petitioner is properly exercising its delegated authority in furtherance of a public purpose, specifically, the Police and Public Safety Projects as described in City of Fort Lauderdale Resolution No. 20-09, that includes but is not limited to the construction of the new police and public safety headquarters building and parking garage, and the Property hereby acquired by City is reasonably necessary for this public purpose.

4. Pursuant to Sections 74.041(3) and 74.051(1) of the Florida Statutes, a defendant must request a hearing to contest the taking of property.

5. All defendants who requested a hearing, namely, Sweet Mornings and CNB, are agreeable to the entry of this Stipulated Order of Taking, Order of Apportionment and Disbursement, and Final Judgment.

6. Subject to apportionment, Sweet Mornings, shall have and recover from City the sum TWO MILLION ONE HUNDRED THOUSAND DOLLARS AND NO CENTS (\$2,100,000.00) as full compensation in this Action including compensation for the Property, attorney's fees, experts' fees, and all costs and expenses. This sum is apportioned to Sweet Mornings, CNB, and to pay Broward County property taxes.

7. Within twenty (20) days of the entry of this Stipulated Order of Taking, Order of Apportionment and Disbursement, and Final Judgment, City shall deposit the sum of TWO MILLION ONE HUNDRED THOUSAND DOLLARS AND NO CENTS (\$2,100,000.00) into the registry of this Court. Upon making such deposit, City shall notify, in writing, all attorneys of record and those Defendants not represented by counsel that the deposits have been made and that upon deposit, City shall be entitled to possession of and title to the Property described in the Petition without further notice or Order of this Court.

**DONE AND ORDERED** in Fort Lauderdale, Broward County, Florida, this \_\_\_\_ day of  
January, 2022.

---

**CAROL-LISA PHILLIPS**  
**Circuit Judge**

Copies Furnished Electronically To:

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*Counsel for Broward County Tax Collector*

Michael Facenda  
1205 SW 1st Street, Apt. 4  
Fort Lauderdale, FL 33312

12-21-21  
WALK-ON  
RESOLUTION

RESOLUTION NO. 21-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPOINTING ROBERT VAUGHAN, AND THE LAW FIRM OF KIM VAUGHAN LERNER LLP, AS SPECIAL COUNSEL TO THE CITY OF FORT LAUDERDALE IN CONNECTION WITH REESTABLISHING THE BOUNDARIES OF THE FOUR CITY COMMISSION DISTRICTS FOLLOWING THE 2020 DECENNIAL CENSUS ("REDISTRICTING"), AND PROVIDING AN EFFECTIVE DATE.

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WHEREAS, Section 7.12 of the Charter of the City of Fort Lauderdale, Florida, provides, in part: "After the receipt of the published information of each decennial census, the city commission shall reestablish the boundaries of the four (4) commission districts so that the districts shall be as approximately equal in population as is practicable";

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That Robert Vaughan, and the law firm of Kim Vaughan Lerner LLP, are retained as special counsel to the City of Fort Lauderdale in connection with reestablishing the boundaries of the four City Commission districts following the 2020 decennial census ("redistricting").

SECTION 2. That the City Commission of the City of Fort Lauderdale, Florida, authorizes the City Attorney to execute an agreement with Kim Vaughan Lerner LLP, with terms acceptable to the City Attorney, to implement this Resolution.

SECTION 3. That the hourly amounts of \$400.00 for attorneys, and \$175.00 for paralegals, plus actual reasonable expenses subject to the City Attorney's approval, are prescribed as the compensation to be paid to Kim Vaughan Lerner LLP.

SECTION 6. That the City Attorney shall serve as liaison to such special counsel.

SECTION 7. That such special counsel hereby appointed shall serve at the pleasure of the City Commission of the City of Fort Lauderdale, Florida.

SECTION 8. That this Resolution shall take effect immediately upon its adoption.



15-16-21  
Mick-017  
Resolution

RESOLUTION NO. 21-

PAGE 2

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Mayor  
DEAN J. TRANTALIS

ATTEST:

\_\_\_\_\_  
City Clerk  
JEFFREY A. MODARELLI