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Meeting Minutes

Tuesday, September 21, 2021

1:30 PM

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

City Commission Conference Meeting

FORT LAUDERDALE CITY COMMISSION

DEAN J. TRANTALIS Mayor

HEATHER MORAITIS Vice Mayor - Commissioner - District I

STEVEN GLASSMAN Commissioner - District II

ROBERT L. McKINZIE Commissioner - District III

BEN SORENSEN Commissioner - District IV

CHRIS LAGERBLOOM, City Manager

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 1:36 p.m.

QUORUM ESTABLISHED

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

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

MEETING ANNOUNCEMENTS

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

OLD/NEW BUSINESS

BUS-1 [21-0913](#)

Discussion on Future Development of the One Stop Shop - (Commission District 2)

Mayor Trantalis provided a history and overview of the *One Stop Shop* area parcel site (*Site*). The City has received an unsolicited proposal for the *Site* that will be presented to the community for consideration and feedback. He reviewed details of the process for unsolicited proposals.

Mayor Trantalis discussed recent court rulings that prohibit preventing individuals from entering a public park and cited examples. He commended Staff efforts to address homelessness.

In response to Vice Mayor Moraitis' question, Mayor Trantalis noted a temporary injunction regarding the ability to address panhandling Ordinances.

Mayor Trantalis said there was an additional recent court decision regarding homeless feeding. The City cannot prevent the *Food Not Bombs* from feeding homeless individuals in parks.

City Attorney Boileau explained an injunction addressing panhandling impacts two (2) Ordinances and said a final decision has not been issued.

In response to Vice Mayor Moraitis' question regarding enforcing the camping Ordinance, City Attorney Boileau said it is dependent on location and time, i.e., nighttime. There is no court decision preventing enforcement. Further comment and decision ensued on enforcement of the camping Ordinance.

In response to Commissioner McKinzie's questions, City Attorney Boileau explained if there is an available bed for someone camping, the camping Ordinance can be enforced. No one is allowed in parks after closing and is addressed as trespassing. Further comment and discussion ensued.

Commissioner McKinzie expounded on his viewpoint regarding the use of public spaces as permanent residences. City Attorney Boileau explained the revised procedure for homeless feeding is not currently being enforced. City Attorney Boileau expounded on related details.

In response to Vice Mayor Moraitis' question, City Attorney Boileau confirmed after the closing of a park, any individuals can be cited for trespassing and removed. He commented on related challenges when there are large numbers of people in a park.

Mayor Trantalis recognized Stephanie Toothaker, Esq., on behalf of *One Stop Shop, LLC*, the entity submitting the unsolicited proposal (*Proposer*). Ms. Toothaker introduced other members of the *Proposer's* team and narrated the first portion of the slide presentation.

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

Michael Palladino, Design Partner, *Studio Practice*, continued the presentation addressing open park space.

In response to Mayor Trantalis' questions, Mr. Palladino confirmed the right-hand portion of the park schematic design is the northern side, and the left side is the southern side. Mr. Palladino reviewed previous park designs and the process for this design.

Ms. Toothaker continued the presentation addressing elements of use.

In response to Mayor Trantalis' question, Ms. Toothaker said the latest design preserves significant existing trees on the *Site*. Other trees can be boxed, saved and replanted following construction. Initial park designs were scaled back, allowing preservation of trees and contiguous

park space.

In response to Commissioner Glassman's request, Jeff John, CEO *Damn Good Hospitality* and CEO *Revolution Live*, explained his involvement and experience in park designs in other cities. Mr. John commented on his local development experience and numerous event productions. He explained his vision for the proposed cultural center, increasing activation and creating a gathering place.

In response to Commissioner Glassman's questions, Mr. John said *Revolution Live* is not moving to the *Site*. The current *Revolution Live* business lease is until 2035. Mr. John explained his booked entertainment spans all genres and confirmed the desire to work with *Broward Center for the Performing Arts* and *War Memorial Auditorium (War Memorial)*.

In response to Mayor Trantalis' question regarding the value his proposal would add, Mr. John said it would add a focal point for the community to gather and condense the best aspects of other similar successful venues.

In response to Commissioner Sorensen's questions, Mr. John explained the prime uses for the *Site* include continuous open space from the north to the south, a multi-level building sixty (feet) in height for concerts, art shows and private and corporate events accommodating approximately 1,800 people.

Mr. John discussed the need for additional venues. Plans include a minimum of 250 events annually. He does not envision competition for *Revolution Live* or *War Memorial*. *Revolution Live* produces approximately 125-150 national and international acts per year, 75-100 private corporate events and 50 philanthropic events. Further comment and discussion ensued on attendance at *War Memorial* and related details.

In response to Commissioner Sorensen's request, Mr. John said he would provide information related to an in-depth competitive marketplace business plan analysis.

Mayor Trantalis recognized Leann Barber, 500 NE 1st Avenue, and President of the *Flagler Village Civic Association*. Ms. Barber said the Flagler Village Neighborhood (*Neighborhood*) and other planning entities request this *Site* be utilized as a green space, a public park and a community gathering place. She said the public should decide details.

Mayor Trantalis noted this is the first step in the process and stakeholders will have future opportunities to respond. Ms. Barber commented on concerns, including the need to obtain competitive bids, ensure due diligence, representation of neighborhood needs and private commercial development deciding access to the *Site*.

In response to Mayor Trantalis' questions regarding the unsolicited proposal process and inviting competitive proposals, City Attorney Boileau explained the Florida Statute governing public-private partnership (*P3*) solicitations. This unsolicited proposal was noticed for two (2) weeks, and the Commission selected a sixty (60) day competitive response time for submission of other proposals. Components of an unsolicited proposal are exempt from disclosure because it would eliminate the competitive process. During the sixty (60) day response period, no competitive proposals were received.

Commissioner Glassman said there was no bid package or request for proposal (RFP). City Attorney Boileau confirmed. Commissioner Glassman commented on the importance of distinguishing between a request for proposal (RFP) and this unsolicited proposal. Commissioner Glassman noted this early stage in the process, and the unsolicited proposal would eventually go through the typical development review process with detailed, specific site plans. All details would go through development review, Staff review and all comments will be submitted and satisfied. He explained the public can attend those meetings and provide feedback as the process moves forward. City Attorney Boileau confirmed and noted the site plan review process follows the Comprehensive Agreement.

Mayor Trantalis recognized Larry Forman, 410 NW 1st Avenue. Mr. Forman commented on his concerns regarding the *Proposer* being granted ownership of the *Site* valued at \$40,000,000. The City should attain a fair market return on this asset. Mayor Trantalis requested Mr. Forman submit additional concerns to Commission Members.

Mayor Trantalis recognized Thomas Binau-Hansen, 425 N. Andrews Avenue. Mr. Binau-Hansen explained his experience as a long-time resident in this area. He expressed concerns regarding how the *Proposer* would develop this *Site* and urged the Commission to oppose overdevelopment of this *Site*.

Mayor Trantalis recognized Tim Powers, 445 N. Andrews Avenue. Mr. Powers confirmed the need for a park in *Flagler Village* and said this *Site* is the last opportunity. He commented on concerns regarding the

impact of traffic on neighbors, the homeless and parking.

Mayor Trantalis explained the availability of parking in the area. He explained his perspective on homelessness and the involvement of a private entity managing this space. Further comment and discussion ensued on this topic.

Commissioner Sorensen commented on the extraordinary work the City had done addressing homelessness and great urban parks that exist throughout the City. Further comment ensued regarding Broward County's approach to public space at the *Broward County Main Public Library* adjacent to *Stranahan Park*.

Mayor Trantalis recognized Janet Scaper, 401 SW 4th Avenue. Ms. Scaper commented on evidence in the *Comprehensive Plan* and *Downtown Master Plan* for a park at this *Site*. She questioned the need for an entertainment venue that includes a marketplace and food vendors.

In response to Commissioner Sorensen's questions, Mr. John expounded on four (4) components of the development, park space, cultural center, marketplace, and private event space with three (3) floors estimated at 40,000 square feet.

Commissioner Glassman addressed Ms. Scaper's comments regarding competition with *Sistrunk Market Place* and said this project is a completely different type of food hall and marketplace experience. Mr. John explained it is a high-end European Market and how the proposed project would differ. Commissioner Glassman commented on his perspective regarding the need for event space in lieu of the *Signature Grand*.

In response to Commissioner Sorensen's questions, Mr. John explained details of the proposed food marketplace/food hall. Further comment and discussion ensued.

Mayor Trantalis clarified the availability of adjacent and nearby parking facilities.

City Manager Lagerbloom confirmed event space at the *Signature Grand* is approximately 20,000 square feet.

In response to Commissioner Sorensen's question, it was confirmed park space would be on the first floor. Mayor Trantalis noted the

renderings presented are initial designs.

Mayor Trantalis recognized Steven Peters, 307 NW 1st Avenue. Mr. Peters spoke in opposition to what had been proposed. He discussed the negative impact of serving alcohol and late-night large venue events on adjacent neighbors and noted existing entertainment and cultural venues throughout the City.

Commissioner Glassman said concerns voiced by Mr. Peters, i.e., security, crowd control, rowdiness, nuisance, noise, etc., would be addressed in the *Comprehensive Agreement*. Ms. Toothaker explained efforts to address these concerns. The cultural center was redesigned and does not face into the park. The *Comprehensive Agreement* would include a minimum of one Police Officer to escort people out of the cultural center following an event. Mr. John explained security efforts and confirmed the importance of safety. He discussed his experience in this realm in the *Himmarshee Entertainment District* and his relationship with *Fort Lauderdale Police Department (FLPD)*.

Commissioner Glassman confirmed should this project move forward, security and safety should be as tight as possible to ensure people feel safe at all times of the day or night.

Mayor Trantalis recognized David McClymont, Chief Executive Officer of the *Palm Beach Symphony - Kravis Center for the Performing Arts*. Mr. McClymont spoke in support of this project, citing the ability of the arts to build community, promote cultural diversity, enhance economic development, tourism and a better quality of life.

Mayor Trantalis recognized Renee K. Quinn, 440 NE 4th Avenue. Ms. Quinn explained her experience and community involvement. She confirmed numerous meetings as Vice President of the *Flagler Village Civic Association* with Mayor Trantalis, Commissioner Glassman, City Manager Lagerbloom and Phil Thornburg, Department of Parks and Recreation Director, to educate and inform and supports this *P3* project and the Commission determining the best and highest use of this commercially zoned *Site*.

Mayor Trantalis recognized Phillip Dunlap, 400 NE 3rd Avenue, and Broward County Cultural Division Director. Mr. Dunlap spoke in support of this project and the opportunity to create something unique, elevating the arts community and the importance of including the local arts community to serve a public purpose and due diligence in the process. He commented on holding parties accountable for details included in the

Comprehensive Agreement, which will determine the success or failure of this venture.

Mr. Dunlap inquired about community involvement in design and programming phases. He commented on concerns in the *Comprehensive Agreement* related to local artists' ability to participate due to limited budgets. Mr. Dunlap confirmed he could put these concerns in writing.

In response to Commissioner Glassman's questions, Mr. Dunlap explained he selected *Flagler Village* as his residence when relocating due to the vibrant nature and walkability of the *Neighborhood*. He noted the need for theatre and live performance venues. Mr. Dunlap explained his view that this project could lure business from other local cities. City does not lack culture but lacks gathering place venues that this project could potentially address.

Mayor Trantalis recognized Martha Gutierrez Steinkamp, 6240 NE 19 Terrace. Ms. Steinkamp commented on the need for data illustrating the need for this facility. Ms. Steinkamp inquired about Mr. John providing a five-year projected budget indicating how the facility would operate in a profitable manner without the need for public grants.

Mayor Trantalis said there is no expectation that the City would contribute funding to the project in the *Comprehensive Agreement*. The *Proposer* could apply for State and Federal Grants. Ms. Steinkamp noted the importance of knowing if the *Proposer* plans to access public funding that would take away from smaller arts organizations.

Mayor Trantalis recognized Vicki Mowry, 1 Las Olas Circle. Ms. Mowry urged the Commission to stop and rethink this project.

Mayor Trantalis recognized John Burns, 1 Las Olas Circle. Mr. Burns spoke in opposition to this project and noted the need and importance of a well-designed green space in urban areas. He cited the work of Landscape Architect Frederick Law Olmstead and inquired about the *Parks Bond* being used for the *Site*.

Commissioner Glassman cited the work of Mr. Olmstead in the City of Buffalo, New York, which contains buildings in the parks designed by Mr. Olmstead that include restaurants, museums and galleries. Further comment and discussion ensued on open green space in other areas of the country. Commissioner Glassman noted that *War Memorial* and *Parker Playhouse* are built in *Holiday Park*.

Mayor Trantalis recognized Sharon White, 1 Las Olas Circle. Ms. White spoke in opposition to this project and confirmed the need for a grass park for residents and families. She noted concerns regarding existing venues and event management, i.e., noise.

Mayor Trantalis recognized Megan Kelley, 708 SW 13th Street. Ms. Kelly spoke on behalf of Leann Barber. As a tour guide in *Snyder Park*, Ms. Kelly explained feedback received regarding the importance of what green space provides. She commented on the need for the Commission to reconsider use of this space.

Mayor Trantalis recognized John Rondinello, 307 NW 1st Avenue. Mr. Rondinello commented on his perspective regarding this *Site* and his opposition to this project.

Mayor Trantalis recognized Mary Fertig, 511 Poinciana Drive, on behalf of *Lauderdale Tomorrow* noting it was formed to ensure public lands are used for a public purpose. She explained involvement with this *Site* and efforts towards ensuring a park is built.

Ms. Fertig encouraged the Commission to enact an ordinance addressing public-private partnerships (*P3s*) before moving forward with other proposals. The ordinance should include a needs assessment, appraisal of the property, a financial plan, a value for money analysis and a risk assessment for *P3s*.

In response to Commissioner McKinzie's question, Ms. Fertig clarified comments made by Commission Members regarding being afraid of the homeless and the freedom to assemble being addressed by private management. Mayor Trantalis acknowledged his previous comments regarding recent court decisions presenting challenges related to homelessness.

Mayor Trantalis recognized Keith Ruiz, 434 NW 1st Avenue. Mr. Ruiz commented there is no neighbor support in the surrounding *Neighborhood* for this project. He suggested Mr. John redevelop *Revolution Live* versus this proposed project and recommended using this *Site* as a public park for the community versus commercial development.

In response to Mayor Trantalis' question regarding another nearby proposed project that includes restaurants, bars and entertainment, Mr. Ruiz explained that project does not come at the sacrifice of a public

park. Mr. Ruiz noted the project being considered exchanges an undesirable homeless demographic for another unknown demographic in public space.

Mayor Trantalis recognized Brian Kopelowitz, One West Las Olas Boulevard. Mr. Kopelowitz spoke in support of this project. He explained it would attract young professionals that would benefit recruiting efforts of employers. Mr. Kopelowitz cited examples of enhancements to the downtown corridor, quality of life and livability and homelessness consequences.

Mayor Trantalis recognized Woody Graber, 9001 SW 125 Terrace. Mr. Graber spoke in support of Mr. John and his efforts and experience in the City. He supports this project, emphasizing it includes a public park and other components.

In response to Mayor Trantalis' questions, Ms. Toothaker noted the aerial photo of existing asphalt covering the *Site*. The proposed project would have seventy-eight percent (78%) green space. *The Blade* building would be located in the parking area of the *One Stop Shop*. A cultural center would be located in area that is not grass.

Commissioner Glassman explained past discussions with the *Proposer* regarding requiring two-thirds (2/3) or approximately sixty-six percent (66%) of the project to remain open park green space. He expounded on additional reductions to original design plans, i.e., shrinking buildings and moving them as far west as possible on the *Site*, which now has seventy-eight percent (78%) green space. He said this *Site* was never designated a park or part of the *Parks Bond*. Commissioner Glassman confirmed *Parks Bond* funds cannot be used for this *Site*.

In response to Commissioner Sorensen's questions, Ms. Toothaker explained future green space would be at *Federal Emergency Management Agency (FEMA)* grade, open on all sides. A fence was not proposed. The *Proposer* would not seek public funding. It would be privately funded, including the 78% open space for the park. Proof of funds could be provided later in the process. The *Proposer* is not a non-profit organization. Ms. Toothaker explained options should the *Proposer* entity go bankrupt. The City could take the venue back and issue and Request for Proposal (RFP) for someone to run the venue.

Mayor Trantalis recognized Matthew Oppedisano, 107 Laurel Way. Mr. Oppedisano spoke in support of Mr. John and his family, expounding on related details.

Mayor Trantalis recognized Steve Ganon, 2517 N. Atlantic Boulevard. Mr. Ganon explained his perspective and concerns regarding *P3s* overtaking public lands and lack of governance and control. He recommended the *Site* be entirely green space.

Commissioner Sorensen commented on the importance of looking at all options for this *Site*, i.e., a *P3* or other options.

In response to Commissioner Sorensen's question, City Manager Lagerbloom confirmed the City could walk away prior to signing a *Comprehensive Agreement*. City Manager Lagerbloom said multiple options are available for this *Site* in the future. He confirmed the ability of the City-wide park system to landscape and maintain the *Site* entirely as a park and noted the need to identify funding. Mayor Trantalis commented on the need to find funding.

Commissioner Sorensen commented on the process and noted the ability to consider all options for this *Site*.

In response to Vice Mayor Moraitis' question regarding the ability to use *Parks Bond* funding for a park on this *Site*, City Attorney Boileau commented on available *Parks Bond* funds not linked to its core projects. City Manager Lagerbloom said those discretionary funds had been used.

City Attorney Boileau explained the need to review the *Parks Bond* Referendum Ordinance and related details. Mayor Trantalis confirmed the need to research and advise the Commission. Vice Mayor Moraitis concurred and requested legal information regarding the use of funds identified but not utilized for core *Parks Bond* projects.

Commissioner McKinzie confirmed his request for a clear answer regarding the use of *Parks Bond* funding. City Attorney Boileau explained the *Site* would first need to be designated as a park, and parks identified in the *Parks Bond* should receive that funding. Mayor Trantalis said the *Site* had not been designated as a park at this point.

Mayor Trantalis recognized John Wigzell, 3430 Galt Ocean Drive. Mr. Wigzell commented on the impact and business disruption of the restaurant and entertainment venue industry due to COVID and other potential unfavorable circumstances. He inquired about revenue forecasts, business information and noted consequences if the *Proposer* entity fails.

Commissioner Glassman said the City would be left with 2.63 acres park space.

In response to Commissioner Sorensen's question, Mayor Trantalis confirmed the unsolicited proposal does not include dedicating the *Site* as a park.

Commissioner Glassman said a Deed of Restrictive Covenants not allowing any building on the 2.63 acres of open green space would be recorded.

In response to Commissioner McKinzie's question regarding the 2.63 acres of green space being kept open as green space in perpetuity, Commissioner Glassman confirmed.

Mayor Trantalis recognized Paula Yukna, 2701 N. Ocean Boulevard. Ms. Yukna commented on the importance of the largest park, the beach, the critical need to save public land and the importance of a park at the *Site* located in a densely populated area. Ms. Yukna explained her interpretation of a neighborhood park and urged the Commission to make the entire *Site* a park.

Mayor Trantalis recognized John Roth, 333 Sunset Drive. Mr. Roth noted the informative nature of this item and said his comments were emailed to each Commission Member prior to noon today. He will follow up with additional input as meetings progress.

Mayor Trantalis recognized Colin Thompson, 1340 SW 20th Street. Mr. Thompson commented on his work and experience in entertainment production and the proficiency of Mr. John in this realm. He spoke in support of this proposal and noted the community would be pleased with the space design for a specific purpose.

Mayor Trantalis recognized Frederick Mitchell, 637 N. Victoria Park Road. Mr. Mitchell confirmed his viewpoint that this *Site* be developed as a park and commented on Commission approval of other developer requests to move protected trees, funding costs for a new park and funding a new City Hall. Mr. Mitchell explained the amount of reasonable return based on the value of this *Site*.

Mayor Trantalis explained he would recess this meeting to allow the Commission to attend the scheduled *Executive Closed Door Session* anticipated to take thirty (30) minutes.

Mayor Trantalis recessed the meeting at 4:48 p.m.

EXECUTIVE CLOSED DOOR SESSION - 4:30 P.M. OR AS SOON THEREAFTER AS POSSIBLE

[21-0912](#)

The City Commission will meet privately pursuant to Florida Statute, Section 286.011(8) concerning:

Fort Lauderdale Food Not Bombs, et al. v. City of Fort Lauderdale
Case No.: 19-13604 (11th Cir.); 15-60185-CIV-WJZ

Mayor Trantalis announced commencement of the Executive Closed-Door Session and related details.

Continued Discussion on Future Development of the One Stop Shop

Mayor Trantalis reconvened the Conference Meeting at 5:21 p.m.

Mayor Trantalis commented on the number of additional members of the public wishing to speak on this topic. The Regular Commission Meeting would begin when public comment concludes estimated to be at 7:00 p.m.

Mayor Trantalis recognized Abby Laughlin, 1050 Seminole Drive. Ms. Laughlin said the underlying land-use zoning for this *Site* is mixed-use and should be used as such. She noted concerns regarding moving the process forward without any pro forma financial information made available to the public to determine whether it is financially feasible.

Mayor Trantalis noted the sixty (60) day timeframe for additional submissions had passed. Financial details will be reviewed as the *Comprehensive Agreement* develops, allowing the community an opportunity to review and respond. The Commission reserves the right not to move forward until a *Comprehensive Agreement* had been agreed upon.

Mayor Trantalis recognized Chris Ferrone, 215 N. New River Drive East. Mr. Ferrone spoke in support of the proposed project and his viewpoint regarding the experience, success and opportunity offered by Mr. John.

Mayor Trantalis recognized Nancy Thomas, 1924 SE 24th Avenue. Ms. Thomas acknowledged this is a great concept but not on land owned by the public. She expounded on the ability and need for this *Site* to become a park and the number of meetings with the *Proposer*.

Commissioner Glassman commented that the purpose of the meetings was to get a better project for the City and resulted in numerous iterations of the *Comprehensive Agreement* and *Site* plan improvements.

Mayor Trantalis recognized Ruchel Coetzee, 425 Bayshore Drive. Ms. Coetzee noted the project includes seventy-five percent (75%) park space. She noted the demographic was changing and expounded on her optimistic view of the arts, culture and the need for additional options for local artists.

Mayor Trantalis recognized Sister Robin Merrill, 1404 East Las Olas. Sister Robin commented on the significance and value of the one hundred six (106) tree inventory on the *Site*. She explained her perspective as a local artist and she is opposed to this project. She requested the Commission consider the alternative of a non-profit conservancy for the *Site*.

In response to Mayor Trantalis' questions regarding tree landscaping plans on the *Site*, Mr. Palladino explained that a landscape architect is not in place and is under consideration. Five (5) heritage trees designated will be saved in addition to others yet to be determined. There are plans to add more trees to this *Site*.

Mayor Trantalis recognized Sheila Franklin, 434 NW 1 Avenue. Ms. Franklin spoke in opposition to the project and explained longtime efforts for a park on this *Site* and improving the *Neighborhood*. A music venue and establishments serving alcohol would negatively impact the surrounding residential *Neighborhood*.

Mayor Trantalis recognized Dean Bairaktaris, 24 Hendricks Isle. Mr. Bairaktaris discussed *ArtsPark at Young Circle* in the City of Hollywood and recommended it as an example for this *Site*. He urged the Commission to meet with *Neighbors* to determine what they envision for this *Site*.

Commissioner Glassman commented on his involvement as Broward County Cultural Division Project Manager for the *Hollywood Young Circle ArtsPark*. He explained and clarified differences in the proposed project currently under consideration and the role and model used by Broward County for the *Hollywood Young Circle ArtsPark*. Further comment and discussion ensued on prior proposals and current Commission efforts related to maintaining a portion of the *Site* as open space and the serving of alcohol in numerous neighborhood locations, including parks with event permits.

Mayor Trantalis explained how this project serves to enhance the City's appeal as a destination.

Mayor Trantalis recognized Terry Frank, 201 East Las Olas Boulevard. Mr. Frank commented that this could be a successful opportunity for all stakeholders. He explained his perspective regarding ownership throughout the fifty (50) year lease and concerns to address in the *Comprehensive Agreement* related to ensuring oversight of the area.

Mayor Trantalis recognized Stan Eichelbaum, 411 N. New River East. Mr. Eichelbaum commented on resident apprehension of the process and noted the proposed development is not compatible with the *Neighborhood*. He discussed input received at *Downtown Development Authority (DDA)* meetings towards realizing quality of life items necessary for residency growth and desired occupancy in neighborhoods, i.e., parks and schools.

Mayor Trantalis recognized Laura Edwards, 900 NE 18th Avenue. Ms. Edwards commented on her support of the proposal and her work experience with Mr. John. She discussed the importance and dependence on tourism that this project would serve.

Commissioner Glassman commented on his viewpoint regarding Mr. Eichelbaum's comments and cited examples.

Mayor Trantalis recognized Shaun Cruz, 200 NW 43rd Avenue. Mr. Cruz commented on his work experience and support of Mr. John. He said this project would bring jobs and people to the area. It is in the best interests of the City to bring in an entity to address existing concerns in this area.

Mayor Trantalis recognized Kelly Johnson, 715 West Las Olas Boulevard. Ms. Johnson spoke in support of Mr. John and this project. She cited her positive work experience with Mr. John and commented on her experience and concerns regarding the homeless population.

Mayor Trantalis recognized Raymond Jacom, 400 South Pointe Drive. Mr. Jacom spoke in support of this project and Mr. John. Mr. Jacom expounded on his positive viewpoint regarding the project.

Vice Mayor Moraitis commented on input from both sides and the opportunity for something unique for area residents on this *Site* that is public land. She prefers an RFP process that would include neighbor

input.

Vice Mayor Moraitis discussed future opportunities in this area, including a new government center at the bus station and recently sold parcels adjacent to *Site* anticipated to become activated impacting existing homelessness.

Vice Mayor Moraitis commented on earlier discussions during this meeting regarding the *Site* being designated as a park which would allow the City to shut the park down at night. She remarked that should the unsolicited proposal move forward on City-owned land, everyone could congregate on the *Site*.

Vice Mayor Moraitis requested an analysis of available park space in other cities referenced earlier compared to the City that does not have enough park space. She confirmed support of activated park spaces.

Vice Mayor Moraitis reiterated her position supporting *Neighborhood* input regarding what type of park development should take place on this location, followed by an RFP.

Vice Mayor Moraitis noted September 9, 2021 *Broward County Center for Performing Arts* correspondence she received opposing this unsolicited proposal and requested clarification from Ms. Toothaker.

Vice Mayor Moraitis requested clarification regarding the City engaging in licensing agreements versus lease agreements as listed in the City Charter when utilizing *P3s*. She remarked on the need for more green space, support of using *Parks Bond* funding for the park portion of the *Site* when the ability to use that funding is confirmed. Vice Mayor Moraitis confirmed support of utilizing the RFP process for the other portion of the *Site*.

Vice Mayor Moraitis noted the potential use of the *Site* for affordable housing and said public lands should meet the needs of residents.

In response to Vice Mayor Moraitis' question regarding issuing an RFP while simultaneously considering an unsolicited proposal, City Attorney Boileau said this would complicate the process and one or the other should be selected. He said an RFP requires design criteria.

In response to Commissioner McKinzie's request, Mayor Trantalis clarified this meeting provides an opportunity for the *Proposer* to disclose details of the unsolicited proposal and reiterated discussions

are early in the process. Now is the opportunity for District Commissioners to discuss this topic with constituents and obtain feedback.

Commissioner McKinzie discussed his viewpoint and cited examples of existing park activities causing concern. He does not want additional parks until issues are addressed regarding park programming related to people who occupy existing parks after closing.

Commissioner McKinzie commented on the need to address and include specific items in the *Comprehensive Agreement*, including the revenue stream. He explained experience with Mr. John, the need to distill information presented today and determine whether *Parks Bond* funding could be used for a park on this *Site*.

Mayor Trantalis urged each District Commissioner to meet with City Manager Lagerbloom and City Attorney Boileau to determine terms that should be included in the *Comprehensive Agreement*.

Commissioner Glassman commented on initial *Flagler Village Civic Association* meetings three (3) years ago regarding plans for the *Site*. There have been numerous discussions and public input, and the Commission is here today to get input in the *Sunshine*.

In response to Commissioner Glassman's question regarding Vice Mayor Moraitis' request for an RFP, City Attorney Boileau confirmed. The Commission approved a Resolution accepting this proposal and put the City down a specific path per State Statute.

Commissioner Glassman explained details of the process. This item is on the Agenda to receive additional input from the community and allow the Commission to discuss the unsolicited proposal as a group in the *Sunshine*. He expounded on details of the *Site* as it currently exists. Commissioner Glassman explained his original position that two-thirds of the *Site* be predominantly open green space for public access. The *Site* now has seventy-eight percent (78%) open green space. He expounded on his viewpoint and discussed the need to advise Staff and provide direction regarding what they need to move forward.

Commissioner Glassman noted aspects of the *Lockhart Stadium Comprehensive Agreement (Lockhart Comprehensive Agreement)*. City Attorney Boileau explained there was an interim agreement for predevelopment issues prior to the subsequent *Lockhart Comprehensive Agreement*.

Commissioner Glassman explained his perspective regarding these types of negotiations, associated opportunities and his efforts and experience in the arts field to improve the *Comprehensive Agreement* for artists in the local artist community, i.e., a cultural center. He said the City would not need to spend funds to develop and maintain the *Site*. Modifications made included keeping specimen trees on the *Site* and the elimination of two (2) levels of underground parking. Through the development review process, there will be opportunities to meet requirements, some of which include public participation, and address additional concerns.

Vice Mayor Moraitis noted her understanding that the Commission can reject this unsolicited proposal and move forward with the RFP process. Commissioner Glassman said that was correct.

In response to Vice Mayor Moraitis' question, City Manager Lagerbloom explained at this point, progress on the *Fiveash Water Treatment Plant* only includes hiring an owner's representative should the Commission reject unsolicited proposals.

Vice Mayor Moraitis remarked that an RFP remains a possibility for the *Site* should the Commission decide not to move forward with this unsolicited proposal. Mayor Trantalis confirmed.

In response to Commissioner Sorensen's question, City Manager Lagerbloom said the next steps in this process are for him and City Attorney Boileau to continue *Comprehensive Agreement* negotiations. He requested feedback regarding the type of business terms the Commission would like included. City Manager Lagerbloom expounded on negotiation efforts and details. An appraisal of the *Site* was ordered to determine current value of the parcel. City Manager Lagerbloom confirmed his understanding that the Commission would like an annual payment versus a revenue-sharing model.

Vice Mayor Moraitis remarked that an annual payment should be based on land value and the amount typically paid.

Vice Mayor Moraitis suggested outside counsel review the *Comprehensive Agreement* and provide a second opinion. She recommended a lease agreement versus a license agreement and commented on addressing terms in the *Comprehensive Agreement* related to building the project within three (3) years.

In response to Mayor Trantalis' question, City Attorney Boileau confirmed a license agreement puts the City in a better position versus a lease agreement.

City Attorney Boileau confirmed in-house legal counsel Staff has the necessary skill set for the Comprehensive Agreement, and it is not a complicated transaction. He expounded on his perspective regarding hiring outside counsel and explained the need for Commission direction regarding business terms in the *Comprehensive Agreement*, i.e., a license agreement or a lease, and explained options. A license agreement does not circumvent the Charter. He cited examples of other agreements, i.e., *War Memorial* and *Parker Playhouse*.

Commissioner McKinzie reiterated the importance of accurate information regarding what business terms are in the best interests of the City.

In response to Commissioner Sorensen's request, City Attorney Boileau explained differences between a lease agreement and a license agreement. A license agreement provides the City more rights in terms of entry to the property and regulating the property. A license agreement provides the licensee permission to use and manage the property. The amount of control given to the licensee is determined in the *Comprehensive Agreement*. A license agreement was submitted as part of the unsolicited proposal presented to the Commission and accepted through a Commission Resolution.

In response to Commissioner McKinzie's question, it was confirmed activities at *Mills Pond Park* operate through permits.

Commissioner Glassman commented on the latest iteration of the Comprehensive Agreement 5.2.7., addressing revenue and the need to make a determination. He discussed his calculations related to future revenue.

City Manager Lagerbloom explained the need to wait for an appraisal and use industry-standard formulas to determine annual payments in a competitive marketplace before making a recommendation to the Commission.

Commissioner Sorensen commented on his viewpoint to pursue the possibility of a license agreement with a fifty (50) year term. He commented there was no need for outside counsel based upon City Attorney Boileau's feedback.

City Attorney Boileau explained the initial term is fifty (50) years with two twenty-five (25) year renewal terms for a total of one hundred (100) years. Mayor Trantalis said there are no automatic renewals. The relationship would be reassessed at the end of fifty (50) years based upon the property value.

City Manager Lagerbloom explained once business terms are addressed, there would be an independent financial analysis to conform with State Statute.

City Auditor Herbst discussed his perspective not favoring a revenue-sharing model and favoring a license agreement. He confirmed the need for a current appraisal to determine annual revenue and input from Colliers, Inc. regarding fair rent for this type of venue. State Statute requires evaluation of the *Proposer's* business plan to assess viability. He recommended consulting with a firm experienced in the entertainment arena to evaluate the business plan.

In response to Commissioner Glassman's questions about whether City Auditor Herbst's recommendations were used for the *Florida Panthers at War Memorial* and *Inter Miami at Lockhart Stadium*, City Auditor Herbst said the *Florida Panthers* was not an unsolicited proposal. *War Memorial Auditorium* is a leased facility the City owns and operated for many years and included a significant amount of rehabilitation done by a not-for-profit organization. The project significantly benefits the community with sports-related activities for residents.

City Attorney Boileau said the *Inter Miami* project at *Lockhart Stadium* was a cash transaction and did not include financing. City Auditor Herbst said additional financial information should have been requested from the developer.

In response to Commissioner Glassman's question, City Auditor Herbst confirmed financing is involved in this unsolicited proposal transaction. The *Proposer* provided information regarding financing terms. City Auditor Herbst confirmed before moving forward with a Comprehensive Agreement, firm financing should be in place.

Commissioner Glassman noted the need for consistency and treating everyone equally when doing business with outside entities. He expounded on his viewpoint regarding prior business transactions discussed.

City Auditor Herbst confirmed he requested financial information for the *Inter Miami* project at *Lockhart Stadium*. City Manager Lagerbloom explained there was a bank guarantee confirming *Inter Miami* owners and representatives could fund the project with cash.

City Manager Lagerbloom commented on the difficulty of the *Proposer* to obtain financing until a *Comprehensive Agreement* is in place. He recommended the *Comprehensive Agreement* include language stating financing must be in place in a defined window of time. City Auditor Herbst concurred and said he also suggested this to the *Proposer*.

City Auditor Herbst said he rejected the first *Inter Miami* financial commitment, and they returned with the bank guarantee that it would be funded out-of-pocket.

In response to Commissioner Sorensen's question, City Attorney Boileau explained the ability of the Commission to adopt an ordinance dictating a *P3* process beyond State Statute requirements and cited an example. City Attorney Boileau commented on feedback from counterparts around the county regarding the *P3* State Statute being poorly written.

City Manager Lagerbloom explained his viewpoint regarding the *P3* State Statute. It allows the Commission flexibility for projects important to the public. He commented on the impact of the City having a *P3* ordinance that could be restrictive for future unsolicited proposals.

In response to Commissioner Sorensen's question regarding ensuring the public receives information and remains informed and updated as the *Comprehensive Agreement* negotiation process moves forward, City Attorney Boileau explained related difficulties and cited examples. Negotiations with the *Proposer* would include Commission policy direction and the resulting *Comprehensive Agreement* would be presented to the Commission and the public for feedback.

Commissioner McKinzie commented on the process and future opportunities for public feedback. Further discussion ensued.

In response to City Manager Lagerbloom's question regarding Commission expectations of the timeline for reviewing an updated *Comprehensive Agreement*, Mayor Trantalis recommended sixty (60) days. Further comment and discussion ensued.

City Auditor Herbst said following receipt of the *Proposer's* financial

information and an outside consultant evaluation of the *Proposer's* business plan, thirty (30) days should be sufficient time.

In response to Vice Mayor Moraitis' question, Mayor Trantalis noted in-house counsel should address the *Comprehensive Agreement*. He confirmed a revised *Comprehensive Agreement* would return to the Commission for additional review in thirty (30) to sixty (60) days.

In response to Commissioner Sorensen's questions, Ms. Toothaker confirmed her client's agreement for a license agreement. She addressed the terms of the license agreement and renewal options and clarified neither party could terminate without cause. Commissioner Sorensen confirmed the need for the City to have power related to this aspect of the license agreement.

Ms. Toothaker confirmed Commission direction and City Auditor Herbst's opposition to revenue sharing in the *Comprehensive Agreement*. As an alternative, there is a proposal for an annual payment that increases every year following year five (5).

Commissioner Glassman noted that due to a question related to Broward County taxing this property, payment in lieu of taxes to the City language was recently added to the *Comprehensive Agreement*, which adds to revenue.

In response to Mayor Trantalis' question regarding adequate Commission feedback provided to move forward, City Manager Lagerbloom confirmed.

CONFERENCE REPORTS

CF-1 [21-0751](#)

Quarterly Investment Report for Period Ending June 30, 2021 - (Commission Districts 1, 2, 3 and 4)

Susan Grant, Finance Department Director, provided the Quarterly Investment Report update for the third (3rd) quarter of the fiscal year ending June 30, 2021. The shorter and longer term portfolios for the quarter and fiscal year-to-date performance exceeded the benchmark and above the assumed rate of return.

Susan Grant, acting as Other Post-Employment Benefits Trust (OPEB Trust) Administrator, provided the OPEB Trust Investment Report update for the third (3rd) quarter of the fiscal year ending June 30, 2021. Quarterly and year-to-date performance is exceeding actuarial benchmarks and assumed rate of return of seven percent (7%).

In response to Mayor Trantalis' question, Ms. Grant confirmed the year to date OPEB rate of return was over seventeen percent (17%) and said this reduces required contributions in future years.

Mayor Trantalis announced Commission Reports would be taken up following the Commission Regular Meeting. The Community Redevelopment Agency (CRA) Board Meeting will take place following the Commission Regular Meeting.

Mayor Trantalis recessed the Commission Conference Meeting at 7:20 p.m.

CITY COMMISSION REPORTS

Mayor Trantalis reconvened the Commission Conference Meeting at 9:57 p.m.

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

Commissioner Glassman welcomed Ashley Cacicedo, District 2 Community Outreach Coordinator.

Vice Mayor Moraitis said she emailed District 1 concerns to City Manager Lagerbloom. She recapped concerns that include homelessness issues in the area from Oakland Park Boulevard to NE 26th Street, the closure of a portion of the *George English Park* boat ramp due to construction and *Twin Lakes* resident concerns regarding the blocking of 15th Street on game days. Vice Mayor Moraitis requested City Manager Lagerbloom address this before tomorrow to allow her Staff to reach out to *Twin Lakes* residents to provide an update.

Commissioner Glassman confirmed meetings with representatives of *Bahia Mar* and *The Boat Show*. He said both entities are meeting. He is hopeful those meetings would result in agreements and discussions will continue.

Commissioner Glassman commented on Broward County' vaccination policy and requested a vaccination policy discussion at the next Commission Conference meeting to include input from City Manager Lagerbloom and City Attorney Boileau.

Mayor Trantalis commented on Broward County's vaccination incentive policy for employees who receive vaccinations and a charge for

unvaccinated employees. Commissioner McKinzie noted the charge is health insurance related and cited an example. Further comment and discussion ensued.

City Attorney Boileau explained his viewpoint on Broward County's vaccination policy based on employees receiving or not receiving a vaccination that is against Florida Statutes. He expounded on his legal opinion. Further comment and discussion ensued on municipalities taking the same position as Broward County and pending litigation. City Attorney Boileau said a court decision would provide needed guidance.

Commissioner Glassman noted the passing of Jack Drury an active promoter of the City in the 60's, 70's and 80's, citing examples of Mr. Drury's contributions.

Commissioner Glassman requested the status of a Bayview building (*Building*) raised by the *Historic Preservation Board (HPB)* be placed as an Agenda item at an upcoming Commission Conference Meeting. Commissioner McKinzie commented about ongoing scaffolding work to protect the integrity of the *Building*.

Commissioner Glassman expounded on his understanding regarding this topic. He discussed the need to review the *HPB* Ordinance as written and commenting on changes since 2019 that include the ability to put a stay on a structure's demolition permit if it is deemed significant even if not officially designated historic. Commissioner Glassman commented on other *HPB* Ordinance language regarding the designation process. He noted other cities go further with an inventory of buildings that need special attention in terms of protection.

Commissioner Glassman requested Anthony Fajardo, Department of Sustainable Development Director, to have this discussion with the *HPB* so it can advise the Commission. City Manager Lagerbloom confirmed and requested clarification regarding the *Building*. Commissioner Glassman described and explained the location of the *Building*. City Manager Lagerbloom confirmed.

Vice Mayor Moraitis confirmed the need to understand plans for the *Building* from its representative and received input from the *HPB* to determine the next steps.

Commissioner McKinzie commented on his understanding that there was an inventory survey of historic buildings in the City. Commissioner Glassman said the inventory is not complete and commented on the

need for additional Staff.

Mr. Fajardo confirmed a discussion on this *Building* and two (2) others are scheduled on the next *HPB Meeting Agenda*.

Mayor Trantalis discussed his attendance at the ribbon cutting for *Parker Playhouse* and noted its significance to the community.

Mayor Trantalis commented on attending the retirement ceremony for Fort Lauderdale Police Officer Sandi Downs-Keesling and thanked Officer Downs-Keesling for her outstanding years of service with the Fort Lauderdale Police Department (FLPD) and as an advocate for the homeless.

Mayor Trantalis commented on the success of the recent Brazilian Festival, his hope it becomes a signature event and thanked event producers for choosing the City.

[21-0838](#)

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

Deferred to October 5, 2021 Commission Conference Meeting.

CITY MANAGER REPORTS

City Manager Lagerbloom announced Fort Lauderdale Police Department Assistant Chief Frank Sousa was named Chief of Police for the Key Biscayne Police Department and congratulated Assistant Chief Sousa. Mayor Trantalis thanked Assistant Chief Sousa for his service to the City.

Mayor Trantalis noted the passing of Sonya Burrows' father, George Burrows, and the passing of the grandfather of the Mayor's Community Outreach Coordinator.

ADJOURNMENT

Mayor Trantalis adjourned the meeting at 10:13 p.m.