

City of Fort Lauderdale

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Meeting Minutes

Tuesday, September 6, 2022

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

BEN SORENSEN Vice Mayor - Commissioner - District IV

HEATHER MORAITIS Commissioner - District I

STEVEN GLASSMAN Commissioner - District II

ROBERT L. McKINZIE Commissioner - District III

GREG CHAVARRIA, City Manager

DAVID R. SOLOMAN, City Clerk

ALAIN E. BOILEAU, City Attorney

PATRICK REILLY, Interim City Auditor

CALL TO ORDER

Mayor Trantalis called the meeting to order at 1:39 p.m.

QUORUM ESTABLISHED

Commission Members Present: Commissioner Heather Moraitis (arrived at 3:33 p.m.), Commissioner Steven Glassman, Vice Mayor Ben Sorensen and Mayor Dean J. Trantalis

Not Present: Commissioner Robert L. McKinzie

Also Present: City Manager Greg Chavarria, City Clerk David R. Soloman, City Attorney Alain E. Boileau, and Interim City Auditor Patrick Reilly

NEIGHBOR PRESENTATIONS

NP-1 [22-0776](#)

William Schneider- George English Boat Ramp

Mayor Trantalis recognized William Schneider, 145 SW 22nd Avenue. Mr. Schneider discussed concerns about his jet ski rental business.

In response to Mayor Trantalis' questions, Mr. Schneider explained the location of his jet ski rental business is not in George English Park where his jet ski operations launch from. Mr. Schneider confirmed each of his jet ski operators are accompanied by a certified State Fish and Wildlife Conservation Commission (FWC) certified guide and remarked on related details.

City Attorney Boileau explained jet ski businesses launch from George English Park, and their place of business is elsewhere. As a result of safety concerns, Staff started enforcing rules, which have been in place for a significant length of time. Companies cannot conduct business in a City park unless there is a written agreement with the City.

In response to Vice Mayor Sorensen's questions, City Manager Greg Chavarria confirmed that the procurement winning bidder was Blue Moon Outdoor Adventures (Blue Moon). Blue Moon operates jet ski rentals and additional water sports activities in George English Park. Phil Thornburg, Parks and Recreation Director, explained the details of the contract with Blue Moon and confirmed he would advise the duration of the Blue Moon contract. Further comment and discussion ensued.

Mayor Trantalis said he would discuss this subject with Commissioner Moraitis and ask that she meet with Mr. Thornburg to address concerns related to jet ski businesses accessing the George English Park boat ramp. Further comment and discussion ensued.

NP-2 [22-0811](#)

Richard Schueler - Vacation Homes

Mayor Trantalis recognized Richard Schueler, 1300 SW 28th Street. Mr. Schueler requested his attorney Christopher McShane, Esq., speak on his behalf.

Mr. McShane discussed concerns attributable to a short-term vacation rental home located at 1237 SW 28th Street (Property). Mr. McShane expounded on details and related circumstances, which prevent Mr. Schueler's quiet enjoyment of his property.

Vice Mayor Sorensen said he would work with City Manager Chavarria to ensure extra emphasis is placed on this situation to include proper documentation and taking the appropriate steps with law enforcement.

Mayor Trantalis commented on the Commission's position on this subject, preemptive actions by the State Legislature, and expounded on related details. Further comment and discussion ensued.

NP-3 [22-0821](#)

Ray McElroy - Speeding

Mayor Trantalis recognized Ray McElroy, 1808 SW 11th Street. Mr. McElroy discussed traffic safety concerns and narrated a slide presentation entitled *Dangerous By Design - Why we need safer streets and how to do it*.

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

Mayor Trantalis explained that the City efforts with the Broward County Metropolitan Planning Organization (MPO) to establish safe and complete streets and remarked on aspects of pedestrian safety. Further comment and discussion ensued.

NP-4 [22-0879](#)

Michael Malette - Flagler Village Street Parking

Not Present

CONFERENCE REPORTS

CF-1 [22-0758](#)

Quarterly Investment Report for Period Ending June 30, 2022 -
(Commission Districts 1, 2, 3 and 4)

Susan Grant, Assistant City Manager and Finance Department Director, presented a report on the City's Investment Portfolio for the period ending June 30, 2022.

Richard Pengelly, Managing Director of PFM Asset Management LLC, provided a market update for the period ending June 30, 2022.

In response to Mayor Trantalis' question regarding the anticipated return on City investments over the next two (2) quarters, Mr. Pengelly explained the range for short-term income cash investment is three percent (3%) to four percent (4%), which is a limited risk investment.

CF-2 [22-0855](#)

Fort Lauderdale Executive Airport (FXE) Lease Compliance Audit -
(Commission District 1)

Mayor Trantalis recognized Interim City Auditor Patrick Reilly. Mr. Reilly presented findings of the Fort Lauderdale Executive Airport (FXE) Lease Compliance Audit.

In response to Mayor Trantalis' question, Interim City Auditor Reilly explained there are no operations that would compromise the sustainability and viability of FXE. Audit findings address strengthening items that may not come up in the normal lease management process, which could be improved. Interim City Auditor Reilly cited examples and discussed related details.

In response to Mayor Trantalis' question, Interim City Auditor Reilly confirmed there were no FXE tenant delinquencies.

Commissioner Glassman requested the CAM for this Agenda item be corrected to reflect District 1. City Manager Chavarria confirmed.

A copy of the revised CAM is attached to these Meeting Minutes.

OLD/NEW BUSINESS

BUS-1 [22-0807](#)

Federal Funding Opportunities Update - (Commission Districts 1, 2, 3 and 4)

Mayor Trantalis recognized Ben Rogers, Transportation and Mobility Department Director. Mr. Rogers said that due to a scheduling conflict, representatives of the Broward County Metropolitan Planning Organization (MPO) were unable to attend.

Commissioner Glassman recommended deferring this Agenda item until MPO representatives can attend and present.

Mayor Trantalis remarked on the smaller programs included in the presentation. He discussed the need to address larger federal funding opportunities and commented on email correspondence about an engineering design grant application for a train tunnel.

There was a consensus to defer this Agenda item.

BUS-2 [22-0829](#)

Presentation - Update on Public Private Partnership Negotiations for Water Plant Replacement- (Commission Districts 1, 2, 3 and 4)

In response to Mayor Trantalis' question, Alan Dodd, Public Works Department Director, explained the reasons and benefits of utilizing a public-private partnership (P3) for constructing of a new water treatment plant (Plant).

Mr. Dodd said that the City will own the Plant, and City employees will control the Plant's day-to-day operations and submit regulatory water quality requirements to the Department of Environmental Protection.

In response to Vice Mayor Sorensen's question, Mr. Dodd explained details regarding privatization of a utility, which is owned, operated, and managed by a private entity.

Commissioner Glassman clarified that the City is not privatizing its water treatment plant. Further comment and discussion ensued.

Vice Mayor Sorensen commented on his understanding that this P3 is a partnership. Mr. Dodd confirmed and discussed aspects of Staff input related to design and construction to ensure water quality production.

City employees will be staffing the Plant. The P3 entity would operate the Plant, but the City remains involved in the operational decisions.

In response to Commissioner Glassman's questions regarding input received from residents about increased water rates, Mr. Dodd explained water rates will adjust due to costs associated with the Plant and would apply whether the Plant is built by the City or a P3 entity. He discussed aspects related to the pursuit of a Request for Proposal (RFP) process to build the Plant, including an increased timeline and exposure to inflationary costs.

Mr. Dodd narrated the slide presentation entitled *City of Fort Lauderdale - Prospect Lake Clean Water Center*.

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

Susan Grant, Assistant City Manager and Finance Department Director, reviewed the financial details included in the presentation entitled *Illustrative Water Plant Rate Impact Summary slide*.

In response to Vice Mayor Sorensen's question regarding limiting City exposure to inflation, Ms. Grant explained that a financial ceiling goes into effect upon execution of the comprehensive agreement. Vice Mayor Sorensen remarked on the importance of moving expeditiously and discussed his viewpoint.

In response to Vice Mayor Sorensen's question regarding the ability of the City to pay for chemicals and other materials directly to eliminate sales tax, Ms. Grant confirmed and noted Staff had incorporated direct payment for electricity.

In response to Commissioner Glassman's questions, Mr. Dodd said the City's owner representative, Hazen and Sawyer, used the Carollo Engineers, Inc. Report (Carollo Report) and adjusted for inflation. Based on current information, the cost of constructing the Plant is within the margin of error compared to the City building the Plant. Mr. Dodd confirmed adequate Staffing resources to develop an agreement by the second meeting in October 2022.

In response to Vice Mayor Sorensen's questions, City Attorney Boileau said that the Office of the City Attorney Staff is working on the labor services agreement and anticipates completion in the referenced timeframe. City Attorney Boileau confirmed outside counsel had been retained to prepare the comprehensive agreement and expounded on related details.

Mayor Trantalis commented on his viewpoint, the importance of moving forward quickly, and the progress of the City's P3 partner, IDE Ridgewood. He reiterated the benefits of utilizing a P3 partnership noted earlier. Further comment and discussion ensued.

Ms. Grant said that Staff would bring forward the comprehensive agreement on October 18, 2022, then Staff would begin the debt process that is expected to take approximately six (6) months. She noted that the equity portion will precede the debt portion. Staff will also bring forward

recommended customer rate changes required to support the debt.

Mayor Trantalis recognized Victoria Olson, 4170 NW 11th Avenue Oakland Park, on behalf of the Broward Sierra Club. Ms. Olson spoke in opposition to this Agenda item and submitted an item for the record.

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

Mayor Trantalis responded to Ms. Olson's remarks and discussed his viewpoint, including the process and public transparency. Further comment and discussion ensued.

Mayor Trantalis recognized Tricia Halliday, 50 Nurmi Drive. Ms. Halliday spoke in opposition to utilizing a P3 for the Plant. Further comment and discussion ensued.

Mayor Trantalis recognized Mary Fertig, 511 Poinciana Drive, on behalf of Lauderdale Tomorrow. Ms. Fertig spoke in opposition to this Agenda item and in support of the Infrastructure Task Force Advisory Committee's recommendation to utilize the RFP process.

In response to Ms. Fertig's question regarding the status of the P3 ordinance presentation requested by Commissioner Moraitis, City Attorney Boileau said it is available and would be brought forward at the request of the Commission.

In response to Mayor Trantalis' question, City Attorney Boileau explained this P3 is a partnership, not the privatization of the Plant. The comprehensive agreement will meet State Statute requirements for public accountability, and Staff is diligently working to ensure all related protections are in place.

Mayor Trantalis expounded on the Commission's success utilizing P3s. Further comment and discussion ensued.

Commissioner Glassman remarked on Peter Partington's opposition to using the RFP process and noted Mr. Partington is an Infrastructure Task Force Advisory Committee member and former City Engineer. Further comment and discussion ensued.

CITY COMMISSION REPORTS

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

Commissioner Glassman commented on the passing of former Sailboat Bend Civic Association President Dave Parker and remarked on his civic contributions and requested a moment of silence at tonight's Regular Commission Meeting.

Vice Mayor Sorensen discussed innovative ways to clean and improve City canals and waterways, including planting mangroves and requested a Staff update.

Anthony Fajardo, Assistant City Manager, provided an update regarding a related pilot program and noted the challenge of finding suitable locations for planting mangroves due to wave action, infrastructure, and funding. Dr. Nancy Gassman, Assistant Public Works Department Director - Sustainability, agrees that mangroves effectively treat water quality, and the Parks and Recreation Department has suggested pilot program areas. Mr. Fajardo commented on details and challenges related to establishing and maintaining mangroves per State requirements and remarked on the need to ensure infrastructure protection.

In response to Vice Mayor Sorensen's questions regarding exploring related pilot program funding, City Manager Chavarria said Staff would research and update the Commission.

Vice Mayor Sorensen discussed New River Middle School's efforts to explore a partnership with the City and other organizations for an environmental living coastline program (Program) that would include mangroves. The Program area would be utilized as a City Park during non-school hours. He remarked on the need for related funding. City Manager Chavarria commented on related efforts by Zoie Saunders, Chief Education Officer, working with the School Board of Broward County (School Board) to move forward. As plans formulate, Staff will update the Commission.

In response to Mayor Trantalis' question, Vice Mayor Sorensen commented on efforts with the principal of New River Middle School, the School Board, the State, and nonprofit organizations to explore the initial phases of the Program, including adding the Program to the curriculum and funding options. Further comment and discussion ensued.

In response to Commissioner Glassman's questions regarding the use of oysters to clean water, Mr. Fajardo confirmed the use of oysters as a filtration system and would research. Further comment and discussion ensued. Commissioner Glassman recommended revisiting this topic.

Vice Mayor Sorensen requested a Staff update on Miami Waterkeeper's water testing. Mayor Trantalis recommended changing water testing locations. Alan Dodd, Public Works Department Director, provided an update. There is flexibility to change testing locations and noted that existing locations targeted areas of high recreational activities. Mr. Dodd expounded on related details.

Vice Mayor Sorensen recommended increasing the number of water testing sites. Mr. Dodd confirmed that Staff would explore all options and plan for the upcoming year.

Vice Mayor Sorensen requested an update on the status of improvements to the Stranahan High School cafeteria. Mr. Fajardo explained his understanding of the need for an engineering permit related to off-site connections, which the State handles. Further comment and discussion ensued. City Manager Chavarria confirmed he would keep the Commission updated.

Vice Mayor Sorensen commented on the need to be proactive regarding events on State Road A1A and remarked on communicating with neighbors and expeditiously addressing aspects of events to ensure the least amount of negative impact on roadway traffic. City Manager Chavarria confirmed and cited examples of outreach to neighbors.

Mayor Trantalis recognized William Brown, 112 N. Birch Road, and Central Beach Alliance (CBA) President. Mr. Brown commented on previous discussions with Commissioner Glassman regarding State Road A1A traffic concerns. Mr. Brown suggested event organizers work closely with the Police Department to improve traffic movement impacting public safety concerns. Further comment and discussion ensued.

Mayor Trantalis commented on the Commission's consideration of a Las Olas beach tunnel loop to reduce roadway traffic and provide a safe, efficient way for people to leave the beach area.

In response to Vice Mayor Sorensen's questions, Mr. Dodd, provided an update on the South Ocean Drive Bridge. Staff is waiting for Broward County (County) to approve the Request for Quote (RFQ). City Manager Chavarria confirmed he would follow up with County Staff and said the last budget amendment fully funded the project.

Mayor Trantalis noted his attendance at the International Council of

Shopping Centers' (ICSC) Florida Conference and remarked on his participation in two (2) panel discussions, including one on public-private partnerships (P3s), and one on the future of commercial development and incentivizing to generate interest in the City.

Mayor Trantalis remarked on his upcoming State of the City address at the Parker Playhouse and discussed attending the Washington, DC Fly-In, hosted by Congresswoman Debbie Wasserman Schultz.

Mayor Trantalis discussed budget overruns and related details associated with building the new federal courthouse. The two (2) available options include requesting additional funds from Congress or determining other ways to fund the budget shortfall, including selling the existing federal courthouse site, possibly to the City. Further comment and discussion ensued.

Mayor Trantalis remarked on conversations with City Manager Chavarria to move forward with a tunnel option under Davie Boulevard, the New River, Broward Boulevard, and Sunrise Boulevard. He expounded on related benefits and efforts to seek federal funding. Mayor Trantalis confirmed those conversations would continue with administration members in Washington, DC, to move this project forward.

In response to Commissioner Moraitis' question regarding federal courthouse funding, Mayor Trantalis reiterated his earlier comments regarding the option to sell the current federal courthouse site, including the option to sell the site to the City. Further comment and discussion ensued regarding efforts to fund budget shortfalls for construction of a new federal courthouse.

In response to Vice Mayor Sorensen's questions, City Manager Chavarria confirmed ongoing efforts to address underground infrastructure preparation at the site for the new federal courthouse. Further comment and discussion ensued.

CITY MANAGER REPORTS

City Manager Greg Chavarria provided two (2) reports to the Commission addressing City-sponsored special events (Events) and an update on options for a new City Hall building.

City Manager Chavarria explained details regarding the development of Events and associated costs. He expounded on the background and aspects of Events, specifically the Summer Jamz held in Mills Pond Park on August 18, 2022 (SJ Event). City Manager Chavarria shared planning

details, concerns related to the process, and how costs rose over the budgeted amounts for the Summer Jamz Event. He discussed that the normal processes for Events were not followed in this instance. City Staff are continuing to review several aspects of the SJ Event, including the associated contracts, how performing artists were changed, VIP list creation and Commission office involvement in the planning.

City Manager Chavarria discussed Staff efforts to improve transparency, planning, and accountability moving forward with future events. Staff proposes updating the Commission with an Event schedule to include costs that would be part of the budget adoption process. Staff would require Commission approval before funding should those costs be exceeded.

At the request of Mayor Trantalis, Commissioner Glassman discussed concerns regarding the SJ Event and inquired about specific aspects and details associated with the process, changes to entertainment contracts, and the production team and talent, contract costs, and those involved. Commissioner Glassman discussed and questioned details, including Charter Officer memorandums on this subject. Further comment and discussion ensued.

Commissioner Glassman thanked City Manager Chavarria, City Attorney Boileau, and Interim City Auditor Reilly for their memorandums addressing the SJ Event, referencing and commenting on details in the memorandums. Phil Thornburg, Parks and Recreation Department Director, commented on details related to the layout of the site and entertainment for this recurring event.

In response to Commissioner Glassman's questions, Mr. Thornburg remarked on aspects and details related to the SJ Event and confirmed that he raised cost concerns to former City Manager Chris Lagerbloom. Mr. Thornburg confirmed Parks and Recreation Department Staff make the decisions regarding Event entertainment, but that was not the case in this instance. He expounded on his concerns regarding the SJ Event costs.

In response to Commissioner Glassman's questions, City Manager Chavarria said Parks and Recreation Department Staff begin planning for events months in advance, and explained plans begin with formulating the budget. City Manager Chavarria said based on emails, plans for the SJ Event began in May 2022.

In response to Commissioner Glassman's questions, City Manager

Chavarria confirmed significant involvement of District 3 Commission office with Staff, the entertainment groups, and the selection of performers. Commissioner Glassman remarked that the original production company was All on Stage production. City Manager Chavarria said there was a request by the District 3 Commission office to use Jody Hill production company. City Manager Chavarria confirmed he would research additional contract details related to the departure of All on Stage productions. City Attorney Boileau confirmed he would research details related to the All on Stage contract associated with the performer Ruben Studdard.

Commissioner Glassman noted that only one (1) of five (5) performers on the June 29, 2022 contract appeared at the SJ Event. The contract stated that any change in performers required the prior written approval from the City. City Manager Chavarria confirmed the need for assistance from the Office of the City Auditor to determine if procedures were followed. City Manager Chavarria noted a July 21, 2022 email from Jody Hill production company regarding the change of performers. Further comment and discussion ensued regarding the SJ Event, performers included in the original contract and the final line up of performers. Mr. Thornburg confirmed aspects of the SJ Event discussed by Commissioner Glassman and remarked on his understanding of what transpired.

Commissioner Glassman explained the procedure for informing Commission Members about Events. The Office of Strategic Communications provides an information package to Commission Members. Commissioner Glassman confirmed he did not receive an SJ Event information package and remarked on receiving only one (1) email related to the SJ Event. City Manager Chavarria explained details of usual procedures, confirmed that they did not occur, expounded on his perspective, and confirmed the SJ Event was not promoted as a City-wide event.

Commissioner Glassman expounded on his understanding of how the SJ Event was promoted, via tweet, and discussed aspects and details related to the VIP list for the SJ Event. Further comment and discussion ensued on the associated VIP list. City Manager Chavarria explained the procedures and details related to those included on the VIP list.

Interim City Auditor Patrick Reilly noted concerns of City Attorney Boileau about the SJ Event's budget and a \$1,400,000 budget transfer within the Parks and Recreation Department in July before signing the producer's contracts. Further comment and discussion ensued regarding details

associated with procuring entertainment for Events.

In response to Commissioner Glassman's question, Mr. Thornburg explained the sources that made up event cost overruns. Commissioner Glassman expounded on his viewpoint, including Charter violations related to Commission Members directing Staff and vendors. Commissioner Glassman recommended pursuing recommendations of the Interim City Auditor Reilly in his September 2, 2022, memorandum regarding this topic and expounded on details.

Commissioner Moraitis concurred with Commissioner Glassman's comments and confirmed the need to address the procurement process. She discussed Event funding in District 1, the positive economic impact associated with Events, and the need to expand Events beyond the downtown area, and to have a signature event at Lockhart Stadium.

Vice Mayor Sorensen thanked Commissioner Glassman for his work on this topic and noted the importance of addressing.

In response to Vice Mayor Sorensen's question, City Manager Chavarria explained Staff's efforts to address this topic, including implementing the recommendations of the Interim City Auditor, reviewing Events in 2023, and remaining within the allocated budget for Events.

City Manager Chavarria commented on a \$150,000 budget reduction for Events in 2023 and his response to an email from Commissioner Glassman related to the procurement process, including exemptions and mandatory payment to the entertainment production company prior to an Event performance.

City Attorney Boileau confirmed he would send the Commission his memorandum to Commissioner Glassman and explained related details and recommendations. Further comment and discussion ensued.

Mayor Trantalis commented on his perspective, concurred with concerns discussed by Commissioner Glassman, and confirmed the need to make improvements to prevent this from occurring in the future.

Mayor Trantalis provided an overview of the background and Commission direction regarding options for a new City Hall.

City Manager Chavarria discussed the options for building a new City Hall and explained related details. Options include: locating a site to build a new City Hall; constructing on the existing City Hall site, which would

require relocating Staff for a minimum of three (3) years; building within the confines of the open space around City Hall; purchasing 110 East Broward Boulevard (110 East Broward); or, purchasing the Gore Building.

The building located at 110 East Broward Boulevard has 790 parking spaces and three-quarters (3/4) of an acre annex area for redevelopment as a municipal government facility or a new City Hall.

Mayor Trantalis explained details related to 110 East Broward and remarked on the opportunity for related investment benefits. City Manager Chavarria confirmed the City had sent a Letter of Intent to the owners of 110 East Broward. Further comment and discussion ensued.

City Manager Chavarria explained details associated with the purchase of the Gore Building and noted the State is requiring a minimum \$52,000,000 bid that requires ten percent (10%) at the time the bid is submitted. The building has 113,000 square feet and four-point thirty-three (4.33) acres for other purposes. Further comment and discussion ensued.

In response to Vice Mayor Sorensen's question, City Manager Chavarria confirmed appraisals are being done for 110 East Broward and the Gore Building. Staff is looking at additional properties adjacent to City Hall, and will keep the Commission updated.

City Manager Chavarria confirmed a Request for Quote (RFQ) for design criteria for a new City Hall, explained its purpose, and discussed financing estimates and the City's loan capacity associated with construction funding for a new City Hall. Further comment and discussion ensued regarding the consolidation of City department locations and cost efficiency.

In response to Commissioner Moraitis' questions regarding the City's borrowing capacity, Susan Grant, Assistant City Manager and Finance Department Director, explained that financing for the water treatment plant would be specific to the Water and Sewer Fund and supported through rates and would not impact borrowing from the General Fund to build a new City Hall. Further comment and discussion.

In response to Mayor Trantalis' question regarding moving forward with a bid for the Gore Building, Vice Mayor Sorensen recommended waiting for the appraisal before submitting a bid.

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

[22-0878](#)

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

Marie Rispoli, et al. v. City of Fort Lauderdale
Case No.: CACE 19-023248 (18)

ADJOURNMENT

Mayor Trantalis adjourned the meeting at 4:51 p.m.



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

#22-0855

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

FROM: Patrick Reilly, CPA
Interim City Auditor

DATE: September 6, 2022

TITLE: **REVISED CF-2** - Fort Lauderdale Executive Airport (FXE) Lease
Compliance Audit - **(Commission District 2 1)**

We performed an audit of the Fort Lauderdale Executive Airport (FXE) Lease Compliance (attached).