

City of Fort Lauderdale



Meeting Minutes

Tuesday, January 5, 2021

1:30 PM

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

Access Meeting Via:

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City Commission Conference Meeting

FORT LAUDERDALE CITY COMMISSION

DEAN J. TRANTALIS Mayor

STEVEN GLASSMAN Vice Mayor - Commissioner - District II

HEATHER MORAITIS Commissioner - District I

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 1:09 p.m.

ANNOUNCEMENTS

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

QUORUM ESTABLISHED

Commission Members: Commissioner Heather Moraitis, Vice Mayor Steven Glassman (participated telephonically), Commissioner Robert L. McKinzie (telephonically), Commissioner Ben Sorensen (participated telephonically) 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 (participated telephonically)

CITY COMMISSION REPORTS

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

Commissioner Moraitis noted the recent passing of Pio Ieraci, the 30-year *President of the Galt Mile Community Association*, and expounded on his contributions to the community.

Commissioner Moraitis congratulated *Cardinal Gibbons Football Team's Class 4A State Championship*.

City Manager Lagerbloom confirmed Staff efforts to recognize winning community football teams, District 1 *Cardinal Gibbons High School* and District 3 *Dillard High School*.

Commissioner Moraitis noted her anticipation of COVID vaccination (Vaccination) discussions later in this meeting.

Commissioner Moraitis confirmed she would present the Commission's *No Smoking on the Beach Resolution* at the upcoming *Broward League of Cities Meeting* scheduled for Thursday, January 7, 2021 and commented on anticipated support of other municipalities to pass related

State legislation. At the last *Broward League of Cities Meeting*, Broward County (County) Mayor Steve Geller explained the County's implementation of a new program entitled *Broward Medal of Valor Award*. Names of individuals who go above and beyond in risking their lives to assist others, i.e., First Responders, can be submitted to Mayor Geller's office.

Commissioner Moraitis provided an update on the *Galt Ocean Mile Streetscape Project (Streetscape Project)* improvements.

Mayor Trantalis commented that *Streetscape Project* improvements could contribute to the revitalization of *Galt Ocean Mile* area businesses.

Vice Mayor Glassman commented on the passing of Mr. Ieraci, expounding on Mr. Ieraci's efforts to address community concerns and his ability to accomplish goals both locally and at the State level. Vice Mayor Glassman also noted the passing of Robert Dwight "Skip" Johnson and Florida State Senator Thomas Allen McPherson, expounding on their local community contributions. He requested a moment of silence in remembrance of these individuals at tonight's Commission Regular Meeting.

Vice Mayor Glassman commented on the excellent work of Staff with the *Historic Preservation Board Meeting* to update the *Historic Preservation Ordinance* and his perspective.

He noted the passing and civic contributions of Bill Smart and expressed his sympathy to his wife, Diane Smart.

Vice Mayor Glassman confirmed a *Las Olas Mobility Working Group* meeting on January 14, 2021.

In response to Vice Mayor Glassman's question regarding restoration of roads impacted by *Redundant Sewer Force Main Infrastructure Project* work, City Manager Lagerbloom confirmed he would provide a document illustrating planned subsequent roadway restoration. There are numerous projects ongoing in the *Victoria Park* neighborhood. Additional work is needed on roads not yet restored. Repairs would be completed following the conclusion of all infrastructure work. Further comment ensued.

In response to Vice Mayor Glassman's request for a breakdown of upcoming *Parks Bond* projects, including individual project budgets and other details as the process moves forward, Phil Thornburg, Parks and

Recreation Department Director, provided an update. Initially, existing park projects previously budgeted will be uploaded to the website for community input and general comments regarding the *Parks Bond*. Additional website development is in progress. Vice Mayor Glassman noted the helpfulness of the website to monitor *Parks Bond* projects progress and related budgets.

Vice Mayor Glassman commented on one of the first elementary schools in the City, *Old West Side Grade School*, sitting vacant on a significant piece of land in *Sailboat Bend*. He expounded on related details and inquired about connecting with *Broward County (County)* to ascertain what the *County* is doing with this site. City Manager Lagerbloom confirmed he would obtain answers and provide an update.

Vice Mayor Glassman commented on neighbor concerns regarding motorcycles and their nuisance to residents and related enforcement. He cited examples and requested Transportation and Mobility (TAM) Staff work to address related transportation needs such as planned crosswalks on *Las Olas Boulevard*.

In response to Mayor Trantalis' question regarding the timeline for the *Las Olas Mobility Working Group* presentation of its plan to the Commission, Vice Mayor Glassman provided an update. The *Corradino Group, Inc. (Corradino)* has been charged with presenting the *Conceptual Streetscape Design for Las Olas Boulevard* at the February 16, 2021 Commission Conference Meeting.

In response to Mayor Trantalis' request for an update regarding the *Redundant Sewer Force Main Infrastructure Project's* progress in the area of SE 18th Street and SE 15th Avenue, City Manager Lagerbloom said Staff would provide an update.

Mayor Trantalis discussed his perspective regarding the motorcycle nuisance, citing examples, concerns, and areas impacted. He recommended this topic be included on a future Conference Agenda.

In response to Commissioner Sorensen's inquiry, Acting Police Chief (Chief) Karen Dietrich, explained efforts to address motorcycle nuisance concerns. Chief Dietrich said motorcycle groups are from areas outside the City and the task is manpower intensive. She explained implemented action plan details and cited examples and related challenges. Further comment and discussion ensued on ways to address speeding in specific areas. Chief Dietrich noted the limited resources available. An action plan would be set up on *Sunrise*

Boulevard and Las Olas Boulevard.

Commissioner McKinzie commented on his perspective and noted possible ways to address organized motorcycle events entering the City from the west.

In response to Commissioner Sorensen's questions regarding addressing motorcycle muffler noise levels, Chief Dietrich noted decibel regulations change annually. She would provide an update regarding citations on this concern and would implement an action plan to address it. Chief Dietrich confirmed she would provide a summary of actions to address concerns for the *SE 17th Street Causeway, Las Olas Boulevard, areas of Federal Highway, Broward Boulevard* adjacent to *Sailboat Bend, State Road A1A and Sunrise Boulevard*. Further comment ensued. Commissioner McKinzie noted the need to stop this nuisance from coming into the City.

In response to Mayor Trantalis, City Attorney Alain Boileau provided an update on the *Leaf Blower Ordinance*. A Commission decision is pending regarding the implementation of a full ban or limitation of leaf blower use. Mayor Trantalis requested this topic be an agenda item at the next Commission Conference Meeting, allowing public input.

Commissioner McKinzie echoed Commissioner Moraitis' earlier comments and congratulations to *Cardinal Gibbons Class 4A State Champions, St. Thomas Aquinas Class 7A State Champions* and *Dillard High School Tri-County 1A-6A Champions*. He confirmed outreach to *Dillard High School* to ascertain details regarding Commission recognition.

Commissioner McKinzie discussed concerns regarding sinking roadway utility hole covers in numerous areas since recent extensive area flooding and requested input on the cause.

Raj Verma, Public Works Department Director, confirmed these concerns throughout the City due to settlement and explained related details. He plans to do an expeditious City-wide inspection in coordination with the County and State.

Commissioner Sorensen confirmed the real estate closing for the new *Federal Courthouse* at SE 3rd Street and 11th Avenue.

In response to Commission Sorensen's question, City Manager Lagerbloom provided an update on the *Broadview Affordable Housing*

Project. City Manager Lagerbloom confirmed discussions are underway with the *Housing Authority of Broward County* and Robert Lochrie, Esq., Lochrie and Chakas, regarding what is possible. There are limitations due to maintaining areas for water wells. There are parcels in the area whose owners may be interested in an affordable housing project. As discussions progress, City Manager Lagerbloom will bring a recommendation to the Commission.

In response to Commissioner Sorensen's request for an update on the *Fiveash Water Treatment Plant*, City Manager Lagerbloom confirmed two (2) parallel paths. The City has gone to the market for an Owner's Representative, and the Public Works Department has put together a related timeline. Any prior proposals received would be reviewed. An unsolicited proposal recently received will be reviewed.

In response to Commission Sorensen's request for an update regarding the next steps for the *Riverwalk Center Garage (Garage)*, City Manager Lagerbloom said the process would begin again, explaining options. The options include a development partner, the City doing the repair work, or a different type of project that would include *Garage* maintenance.

City Attorney Boileau said the preferable procedure to follow is to rescind the previous Commission Resolution formally ceasing lease negotiations and begin anew with a reformulation of what the Commission envisions for the *Garage*. Further comment ensued.

In response to Commissioner Sorensen's question regarding the funding necessary to address the *Garage*, City Manager Lagerbloom said approximately \$11,000,000 - \$12,000,000. Ben Rogers, Transportation and Mobility (TAM) Department Director, confirmed.

Commissioner Sorensen suggested a public/private partnership for the *Garage* project and a more precise representation of what is desired based on Commission discussions. Mayor Trantalis concurred and requested an upcoming Commission Conference Agenda item. City Manager Lagerbloom confirmed. City Attorney Boileau clarified procedural aspects.

Mayor Trantalis discussed the importance of adhering to *COVID Safety Protocols (Safety Protocols)* and commented on related details and Vaccines.

City Manager Lagerbloom provided an overview and details regarding

the two (2) COVID testing sites in the City, *Holiday Park* and *Mills Pond Park*. The *Holiday Park* testing site is officially closed and will be converted to a *Florida Department of Health in Broward* COVID vaccination site. All COVID testing will be moved to *Mills Pond Park*. The rapid COVID test will no longer be provided at *Mills Pond Park*. Only the *PCR COVID Test* will be provided at *Mills Pond Park*.

City Manager Lagerbloom expounded on details regarding the *Holiday Park* vaccination site opening. The first three (3) days, vaccinations would be limited to medical works and First Responders. Beginning at 8:00 a.m. on Tuesday, January 12, 2021, individuals 65 years of age and older can register and make a vaccination appointment at www.BrowardCOVIDvaccination.com. Further comment ensued on coordinating the second vaccine dose and a possible additional State-run vaccination site at the Lockhart site.

In response to Commissioner Sorensen's request for an update on COVID related *Safety Protocols*, restrictions, enforcement and questions, City Attorney Boileau explained *Broward County Executive Order (EO) 20-29* clarifies previously amended *EOs* on this topic. The Governor's overriding *EO* that places limitations on the ability to close businesses and prevent people from working.

City Attorney Boileau explained the Governor's *EO* permits citing businesses for violations, but individuals cannot be cited. He expounded on his perspective. City Attorney Boileau provided a detailed explanation of safety protocols and related challenges concerning the Governor's *EO* economic impact. He expounded on legal arguments on this subject, interpretations and cited examples and challenges. Further comment and discussion ensued.

City Manager Lagerbloom explained enforcement of *Safety Protocols*. Citations have been issued to restaurants. He expounded on related details that include the enforcement of mask-wearing, the limited number of people per dining table and social distancing of six (6) feet between tables.

Commissioner Sorensen discussed his perspective regarding one hundred percent (100%) capacity in restaurants and the risk of COVID transmission. City Attorney Boileau explained the Governor's *EO* precludes action by the City.

Mayor Trantalis explained his understanding and acknowledged limitations based upon the Governor's *EO* and Staff.

Commission Sorensen discussed his perspective and related concerns regarding limiting capacity. Further comment and discussion ensued.

Commissioner Moraitis noted the importance of providing vaccines to the public and acknowledged the Governor's Office efforts.

In response to Commissioner Moraitis' questions, Mayor Trantalis said the allotment of vaccines is based upon distribution by the Federal Government. Further comment ensued. Commissioner Moraitis noted residents and non-residents of the State of Florida can receive a vaccine.

City Manager Lagerbloom commented on his understanding based on conversations with the *Chief Executive Officer of Broward Health* regarding the availability of two (2) vaccines, explaining details. The *Pfizer* vaccine would be administered at Holiday Park due to available infrastructure to store that vaccine, and the *Moderna* vaccine is planned for the *Lockhart* site. City Manager Lagerbloom confirmed every effort would be made to assist in that effort and would communicate additional vaccination locations as they become available. Further comment and discussion ensued.

Commissioner Sorensen reiterated his COVID related concerns and perspective, noting the need to pursue enforcement of *Safety Protocols*.

Raj Verma, Public Works Department Director, provided an update of the *Redundant Sewer Force Main Infrastructure Project (Project)* located at SE 15th Avenue and SE 18th Street. He explained technical infrastructure details related to the connection cut for redirection of the pipe. The holiday schedule contributed to a work schedule reduction. A regular schedule has resumed, and this segment of the *Project* is anticipated to be completed within one (1) month. Roadway restoration will be completed in two (2) parts. Roadways will be fixed following the completion of each segment. After completion of the entire *Project*, impacted roadways would be completely restored.

[21-0062](#)

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

Planning And Zoning Board (P&Z Board)
December 16, 2020

Communication To The City Commission

Motion made by Vice Chair Fertig, seconded by Ms. Scott, to ask the City Commission to authorize Staff to review the parking requirements for cluster developments and townhouses with possible changes to the Code. Vice Chair Fertig explained that her intent was for Staff to review this issue and bring forth any proposals they may have for amendment to the Code. Chair Maus added that she would be present to discuss this item at a City Commission meeting.

Mayor Trantalis commented that the Commission also requested parking requirements because the *Downtown Master Plan's* parking component had not been reviewed. He noted a requirement for one (1) parking space per unit and requested this subject be included as an Agenda item at an upcoming Conference Meeting.

Anthony Fajardo, Department of Sustainable Development Director, clarified that this Communication applies to cluster and townhouse development and is not directly related to the *Downtown Core*. The *Downtown Core* does not have a parking requirement. Mayor Trantalis noted Staff had indicated the need for a related Study and expediency due to additional development.

Mayor Trantalis recognized Planning and Zoning Board Chair Catherine Maus. Chair Maus explained the genesis of the *P&Z Board* request was review of a cluster dwelling application in the southwest section of the City. She said the cluster development did not include guest parking or placement of garbage bins and landscaping debris, causing the two-car garages to only accommodate one vehicle. The applicant resolved guest parking concerns by administratively working with Staff to include guest parking on the swale. Chair Maus expounded on the position of the *P&Z Board* to have a required amount of guest parking to benefit the developer, property owners and neighborhoods.

In response to Commissioner Sorensen's inquiry regarding the Commission request that Staff review aspects of *Downtown Master Plan*, including parking, minimum requirements for space and wind acceleration through narrow building passages, Anthony Fajardo, Department of Sustainable Development Director, confirmed.

City Attorney Boileau explained that the *P&Z Board* could not recommend *Unified Land Development Regulations (ULDR)* changes to the Commission. Review of *ULDR* and recommendations must come from Staff. Mayor Trantalis noted a consensus among the Commission to request Staff review. City Attorney Boileau confirmed.

OLD/NEW BUSINESS

BUS-1 [21-0042](#)

Las Olas Marina Project Update - (Commission District 2)

Ben Rogers, Transportation and Mobility (TAM) Department Director, narrated a presentation entitled *Las Olas Marina Project (Project)* - An update on pre-developmental efforts. He expounded on related details.

A copy of this presentation can be found in the backup to these minutes.

In response to Vice Mayor Glassman's question regarding the timeline to complete *State of Florida (State)* and *Florida Department of Environmental Protection (FDEP)* approvals, Mr. Rogers said completion is anticipated thirty (30) to forty-five (45) days following execution of the amendments to the *Ground Lease Agreement (Agreement)*. Mr. Rogers expounded on *Agreement* negotiations with *Las Olas SMI, LLC (Suntex)*.

In response to Vice Mayor Glassman's questions, Mr. Rogers explained issues related to the irrevocable license not included in detail in this presentation. The *Maintenance of Traffic (MOT)* will have five (5) phases ranging from six (6) to eight (8) months, totaling forty-two (42) months.

Vice Mayor Glassman read excerpts from the *Project's Supplemental Memorandum No. 21-001 (Memorandum)* received by the Commission this morning. He inquired about timelines listed as "under review". Mr. Rogers confirmed those items are nearing completion and are close to Agenda ready, expounding on details.

A copy of the Memorandum is attached to these minutes.

In response to Vice Mayor Glassman's questions regarding the timeline for *Project* items coming before the Commission, Mr. Rogers confirmed all items would be presented at a Commission Regular Meeting and are contingent on other negotiations. City Attorney Boileau said moving forward with individual items will depend upon ground lease amendment negotiations.

In response to Vice Mayor Glassman's questions regarding cost-sharing for the lift station, Mr. Rogers explained the City would fund \$2,500,000 and *Suntex* would fund \$400,000 for the lift station project budgeted at \$2,900,000. Mr. Rogers said current negotiations address possible

verage contingency gap funding for unforeseen expenditures. Negotiations are nearing completion.

In response to Mayor Trantalis' question regarding turn lane modifications, Mr. Rogers confirmed negotiations are at ninety percent (90%). The parties are dealing with business terms, and Staff is awaiting a red-lined copy of the *Agreement* and an in-depth review by the Office of the City Attorney.

In response to Vice Mayor Glassman's questions regarding Broward County and left-turn lane modifications, Mr. Rogers noted considerations to be addressed. Mr. Rogers said he is working on plat amendments with the Department of Sustainable Development (DSD) Staff while *Suntex* develops the turn lane and related discussions are active.

In response to Mayor Trantalis' questions regarding the ground lease, City Attorney Boileau said the *Ground Lease* amendments would impact the financial terms, expounding on related details that include the *Upland Deed* amendments. The *State* has dictated that amendments to the existing lease would result in the following: the loss of complete control of the submerged land lease area and private easements to the north and south would be under the control of *Suntex*. City revenue and control of wet slips, the submerged land lease that includes areas extended west and through private easements to the north and south would be forfeited.

City Attorney Boileau explained that the City must enter into a restricted lease covenant that encumbers the City's fee interest in the upland portion. He said the City would have to pay the greater of fifty percent (50%) of the net revenue of operations of the upland portions or one hundred ten percent (110%) plus six percent (6%) of the wet slip revenue, expounding on details. All payments to the *State* would pass through *Suntex*, and related language in the *Fourth (4th) Amendment to the Agreement* needs to be negotiated.

Mayor Trantalis discussed the negative financial impact of terms with amendments to the *Agreement*.

City Attorney Boileau discussed an agreement between the *Portofino Condominium* and *Suntex* to provide larger slips accommodating bigger yachts. Amendments to the *Agreement* could impact financial terms not agreed to by the City, and he has requested more details. He said all issues require review to determine ramifications not previously contemplated when the initial *Agreement* was negotiated.

Mayor Trantalis explained the need to determine the benefits of this transaction to the City as a revenue generator. He expounded on his perspective and emphasized the need to avoid a financial burden to the City. Mayor Trantalis acknowledged the *State's* mandates could result in an unanticipated negative impact on the City.

Vice Mayor Glassman provided his perspective regarding the opportunity to realize a monetary gain from the agreement between *Portofino Condominium* and *Suntex*. City Attorney Boileau reiterated earlier comments regarding their private agreement and said the financial consideration is not known.

David Filler, *Suntex Marina Investors, LLC*, explained language in the Agreement regarding *State* mandates. He said they do not impact financial considerations in any way with the City. The *State* had an issue with how the *Ground Lease* was written indicating the City was conveying rights to property it did not own. Slip revenue is in no way impacted, and the City would receive the same revenue as it previously understood.

Mr. Filler said counsel could work together to address concerns that would negatively impact City revenues. He expounded on details regarding similar *Suntex* marina closings. Mr. Filler confirmed he and *Suntex* counsel would work with City Attorney Boileau to illustrate there is no impact to any financial terms included in the Agreement with the City. He explained details of *Suntex* financial contributions and referenced discussions with City Auditor John Herbst. Further comment and discussion ensued.

In response to Vice Mayor Glassman's recommendation, City Attorney Boileau said Mr. Filler's input would be incorporated into the *Fourth Amendment* of the *Agreement*.

Commissioner Sorensen requested a financial analysis of the Project to include projections twenty (20) and thirty (30) years into the future. Mayor Trantalis concurred. City Attorney Boileau explained the need to first determine what the *State* mandates, confirming he is awaiting additional information from the *State*. A clear understanding of what *Suntex* is proposing is also needed. Afterward, Staff could provide the financial information requested by Commissioner Sorensen.

Mayor Trantalis commented that the City's legal position would no longer be as a landlord. City Attorney Boileau confirmed, stating the City would lose control over the wet slips and other revenue, expounding on details. The City's only legal recourse would entail a right to sue from a

contractual standpoint with regard to the upland property and is removed from addressing submerged land.

Mr. Filler clarified non-payment of rent under the submerged land lease obligations would be a default under the *Agreement's* terms. He said the upland property grants wetland rights, and the *State* is saying the City does not own the wetland, i.e., the submerged land is owned by the *State*. All the City can convey is the right to obtain a lease from the *State*. Should *Suntex* default on rent payments for the sovereign submerged land area, *Suntex* would be in default under the lease, impacting its rights to the wetlands. City Attorney Boileau explained should *Suntex* default, the City would need to reapply to the *State* for a submerged land lease. Leasing of the submerged land would not automatically revert to the City.

Mayor Trantalis commented on his perspective regarding the possible future involvement of another party, i.e., *Suntex* selling to another entity and ensuring that the community would benefit from this Project.

In response to Vice Mayor Glassman's question regarding adequate communications between Staff and counsel for *Suntex*, City Attorney Boileau confirmed, commenting on related details. Vice Mayor Glassman confirmed a sense of urgency regarding moving forward with this Project, expounding on his perspective.

In response to Mayor Trantalis' question regarding *Federal Government (Federal)* permits, Mr. Filler explained that *Federal* permits are awaiting *State* permits. He would review and provide an update on the status of permits.

In response to Mayor Trantalis' question, City Attorney Boileau explained the *Upland Deed* amendment was discussed earlier as part of the deed covenant, commenting on related details.

In response to Mayor Trantalis' question, City Attorney Boileau confirmed significant aspects of the *Boat Show Agreement* were redacted to protect trade secrets. He is still reviewing and would advise if he can make necessary determinations with those redactions.

Vice Mayor Glassman commented on District 2 resident input regarding the benefits of this presentation. He requested a similar update on the *Bahia Mar Project*. City Attorney Boileau explained the need for further legal review of the renewed lease requested by the Bahia Mar lessee

before this type of update on the *Bahia Mar Project*, expounding on details.

In response to Mayor Trantalis' inquiry regarding the *Bahia Mar* lessee requesting a renewed lease with an extended lease term, City Attorney said this was proposed by the *Bahia Mar* lessee, commenting on details that include determining what is feasible on the *Bahia Mar* site. City Attorney Boileau said that these determinations should be forthcoming.

CITY MANAGER REPORTS

City Manager Report included in Commission Reports.

ADJOURNMENT

Mayor Trantalis adjourned the meeting at 3:47 p.m.