

City of Fort Lauderdale



Meeting Minutes

Tuesday, March 2, 2021

1:30 PM

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

Access Via:

<https://fortlauderdale.legistar.com/Calendar.aspx>

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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 1:36 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 Present: Commissioner Heather Moraitis, Vice Mayor Steven Glassman (participated telephonically), Commissioner Robert L. McKinzie (participated 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)

OLD/NEW BUSINESS

BUS-1 [21-0137](#)

Downtown Master Plan Update - (Commission Districts 2, 3 and 4)

Anthony Fajardo, Department of Sustainable Development Director, gave opening remarks and background information. On November 5, 2020 codifications were made to the Downtown Master Plan (DMP) based on resident and Commission input. The Commission requested Staff review other aspects of the DMP, including parking requirements in the Regional Activity Center City Center (RAC-CC), transition zones measurements, building tower separation requirements and wind studies. This presentation will update the Commission on those topics.

Mr. Fajardo introduced Ella Parker, Department of Sustainable Development Urban Design and Planning Manager. Ms. Parker narrated the DMP Update Presentation.

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

Mayor Trantalis commented on concerns regarding the recommendation that Staff has the ability to waive or minimize, based upon criteria, the Site Level 1 Project requirement of one (1) parking space per dwelling unit without Commission input.

Ms. Parker noted Staff would establish mitigating criteria in the Ordinance for Site Plan Level 1 project parking reductions to include a call-up provision in the process.

Commissioner Sorensen commented on his perspective and support of defined criteria for Site Plan Level 1 project parking flexibility including a call-up provision.

Discussion ensued on Staff efforts to address transition zone measurements from property lines. Ms. Parker cited examples and elaborated on Staff work. The Staff recommendation is to leave the transition zone as is, transition zone measurements from the center of the roadway.

Commissioner Moraitis concurred with Staff's recommendation and Ms. Parker's comments. Further comment and discussion ensued.

Mayor Trantalis said maintaining a 30-foot separation from each property line has merit. He discussed existing buildings with less than 30-feet based on the previous Code and the impact on new development requiring 30-feet of separation.

Mayor Trantalis commented on concerns related to the impact on the community. Commissioner Moraitis remarked that old development not conforming to current Code should not penalize new development. She concurred with Staff's recommendation. Further comment and discussion ensued.

In response to Vice Mayor Glassman's questions, Ms. Parker explained the requirement of a new applicant to go before the Commission for approval when an adjacent, existing tower is closer than 30 feet. She explained how the Code is currently written. Staff recommends an applicant be responsible for maintaining its 30-feet of the required 60-feet of building separation. Staff analyzed the impact, and this recommendation did not impact a significant number of sites.

Staff reached out to the *American Planning Association* and engineering consultant *RWDI* for input regarding a wind analysis to determine the impact of wind on the pedestrian experience.

Ms. Parker introduced Hanqing Wu, *RWDI* principal and Microclimate Specialist. In response to Mayor Trantalis' questions regarding DMP wind-related concerns, Mr. Wu noted characteristics of the eastern areas

along Federal Highway that have exposure to easterly winds from the Atlantic Ocean. Previous wind studies done by *RWDI* in the downtown that addressed structural loads on buildings could be used to study the wind effect on people participating in various activities on the ground and roof levels.

Mr. Wu expounded on past *RWDI* studies in downtown Fort Lauderdale, including existing data and experience, citing examples of varying wind study levels dependent on building height, climate, location, exposure and tower and podium separation.

In response to Mayor Trantalis' question, Ms. Parker said the City had not yet engaged *RWDI*. Mr. Wu was attending as a guest speaker. She expounded on details regarding a wind analysis study (Wind Study) and criteria triggering a potential Wind Study.

In response to Commissioner Sorensen's question, Mr. Wu explained Wind Study approaches. One is based on past experience with other *RWDI* studies done in the City. Other approaches include downloading City data into a computer program for a computer simulation modeling wind flow throughout the City or a traditional wind tunnel model. Both would identify problem areas and solutions.

In response to Commissioner Sorensen's question regarding costs, Mr. Wu explained the least costly alternative would be to use *RWDI* experience and data collected in the City to identify guidelines, problems and information. This approach would cost approximately \$20,000 to \$30,000.

Mr. Wu commented on estimated costs of a computer simulation Wind Study of the entire City, noting costs are dependent upon the data model provided by the City. Costs would depend upon the number of configurations, i.e., a Wind Study as the City currently exists or into the future according to the Master Plan. Mr. Wu said firm costs would be determined with Staff.

In response to Commissioner Sorensen's question, Mr. Wu said *RWDI* had done a few projects in the City over the last two (2) years.

Vice Mayor Glassman's commented on the need to focus on what the City is doing or not doing regarding wind-related problems and the approval process for structures, i.e., building locations in relationship to neighboring structures. Mr. Wu said *RWDI* addresses those needs as part of its Wind Study and provides input to improve conditions or

address them in the preliminary design stage of development.

In response to Vice Mayor Glassman's question, Mr. Wu confirmed many cities worldwide, including Boston, San Francisco and Oakland, have Wind Study requirements in their Code that address the pedestrian experience, expounding on related details.

In response to Commissioner Moraitis' question, Mr. Fajardo confirmed wind loads are required under the *State of Florida Building Code*, citing examples related to a structure's ability to tolerate high-velocity wind events. Studies are not part of associated with hurricanes. Studies are not part of the City's development approval process. Broward County and Miami-Dade County have their own versions.

Mayor Trantalis clarified this discussion involves the pedestrian experience and Wind-Study requirements. Mr. Wu confirmed the cities he referenced earlier, and others have Wind-Study code requirements addressing the pedestrian experience.

In response to Commissioner Moraitis' question, Mr. Fajardo said there had not been a large number of negative resident comments regarding wind concerns on the ground. He explained details of resident input regarding impact of wind downwash in the downtown area and ways to mitigate. Mr. Fajardo noted several moving parts associated with this topic, and Staff does not have the expertise to provide detailed feedback.

In response to Commissioner Moraitis' question, Mr. Wu confirmed podium requirements in City Code address wind downwash for pedestrians on the street level. Podium placement must consider building orientation and size. Further comment and discussion ensued.

Mayor Trantalis discussed Commission consideration to engage a consultant to assist Staff in determining whether the Unified Land Development Regulations (ULDR) should be modified to mitigate the effects of wind on the pedestrian experience.

Commissioner Sorensen confirmed support of a City-wide Wind Study. Comment and discussion ensued on the estimated cost.

In response to Commissioner McKinzie, Mr. Fajardo clarified details related to the *Florida Building Code*.

Mayor Trantalis confirmed a consensus to move forward with a Wind

Study.

Mayor Trantalis recognized Gary Grayson, 347 N New River Drive East. Mr. Grayson commented on his opposition to moving forward with an *RWDI* Wind Study and his perspective regarding *RWDI* work done for *Riverwalk Residences*.

BUS-2 [21-0168](#)

Transfer of Development Rights Presentation - (Commission Districts 1, 2, 3 and 4)

Anthony Fajardo, Department of Sustainable Development Director, gave opening remarks, noting this item is on tonight's Commission Regular Meeting Agenda for Commission consideration.

Trisha Logan, Department of Sustainable Development Historic Preservation Planner, narrated the Transfer of Development Rights Presentation. Transfer of Development Rights (TDR) acts as an additional incentive for historic preservation by allowing historic property owners to sell their excess development rights to new developments in areas of the City targeted for growth. The presentation will provide an overview of the TDR process and different calculations.

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

In response to Mayor Trantalis' questions regarding the location of *La Quintana Manor*, Ms. Logan explained it is located off Riverland Road. She explained details of a grant as part of a historic architectural survey effort to determine and identify locations and densities of properties older than fifty (50) years as potential historical districts or historical landmarks.

Staff is going through the City systematically to identify the areas that can be used as a basis to determine whether a property is eligible for historic designation. Fifty (50) years is the benchmark. Properties less than fifty (50) years must be determined to be exceptional.

In response to Mayor Trantalis' question regarding the value associated with dwelling units, Ms. Logan said it would be at market rate.

In response to Commissioner Moraitis' questions, Ms. Logan explained that Affordable Housing Program incentives are a different process and could not be combined with TDR incentives. Shops on the *Galt Ocean Mile* would not qualify for TDR because they are on the barrier island. If a co-op qualifies and is designated as a historical property, they could participate in the TDR process.

Vice Mayor Glassman commented on his positive perspective and thanked those involved in bringing TDR forward.

In response to Vice Mayor Glassman's questions regarding future efforts to aggressively market this program to the public, Ms. Logan said specifics had not been discussed. She explained information would be on the City's website and commented on additional ways to facilitate community outreach.

Ms. Logan explained tax incentive opportunities for historical commercial properties. Historical residential properties do not receive tax incentives due to other available options, i.e., homestead exemptions. Vice Mayor Glassman commented on his perspective regarding assisting historic properties owners and making the process less onerous.

BUS-3 [21-0198](#)

Las Olas Marina Update - (Commission District 2)

Ben Rogers, Transportation and Mobility (TAM) Department Director, narrated the presentation update of pre-development efforts regarding the *Las Olas Marina Project*.

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

In response to Mayor Trantalis' question regarding the status of finalizing definitive agreements, City Attorney Alain Boileau provided an update on negotiations not originally anticipated, citing examples. Further comment and discussion ensued.

Mayor Trantalis expounded on his perspective and frustration with delays. Vice Mayor Glassman commented on additional recent items and delays at the State level. Mr. Boileau said negotiations are as close as they have ever been, and negotiations are ongoing daily. Further comment and discussion ensued.

Mr. Rogers said the anticipated goal is to wrap-up outstanding items and present the Fourth Amendment to the Ground Lease to the Commission in April 2021, after which dredging could begin.

Laura Reece, Budget Management and Budget Office Director, continued the presentation, reviewing financial details illustrated in the presentation.

In response to Commissioner Sorensen's questions, Mr. David Filler, Suntex, explained details of linear footage increases. Linear footage

increased from just over 3,000 feet plus to approximately 7,200 feet, tripling the amount of square footage.

Mr. Rogers explained details regarding base rent and related contractual language, including impacts of delays and consequences.

Mr. Filler said Suntex offered fifteen percent (15 %) of ancillary operations to the City, expounding on details related to rental income and the percentage of gross income from ancillary businesses. Further comment and discussion ensued regarding revenue streams.

Eric Metz, Suntex, noted financial information in the presentation represents percentage revenue to the City. Mr. Filler commented that the amounts listed in the presentation were inverted and would provide the Commission with accurate, specific, itemized financial information.

In response to Commissioner Sorensen's question, Mr. Rogers confirmed added operational expenses to the City were zero and his comfort level with revenue numbers. Mr. Rogers commented on details of negotiations regarding the Portofino addition and rent credit to Suntex for acquiring riparian land. Further comment ensued.

In response to Vice Mayor Glassman's question, Mr. Filler explained revenue to the City anticipated in the RFP and current projections in the presentation. The initial guaranteed base rent was \$1,000,000. By expanding the footprint and adding amenities, the percentage rent will increase significantly to approximately \$2,500,000.

BUS-4 [21-0276](#)

Discussion Concerning Harbour Inlet Gate - (Commission District 4)

Mayor Trantalis reviewed details associated with beach access at the *Harbour Inlet Gate (Beach Access Gate)* located adjacent to the *Points of America Condominiums*.

Frank Sousa, Interim Assistant Police Chief (Assistant Chief), explained resident outreach to address complaints and additional police efforts. As a deterrent, the Fort Lauderdale Police Department (FLPD) augmented efforts with an off-duty detail paid by nearby condominium associations. The FLPD District Commander pursued the option of towing vehicles, but nearby condominiums were not willing to enter into a towing agreement.

Mayor Trantalis recognized Joanne Robinson, 1997 Admirals Way. Ms. Robinson spoke in opposition to closing the Beach Access Gate, expounding on her perspective and the need for baseline information for

a trial closing.

Mayor Trantalis recognized Annette Ross, 2543 Lucille Drive. Ms. Ross commented on ongoing problems in this area of the beach, i.e., trash, illegal parking and trespassing. She commented on participation from surrounding condominiums to support existing private security patrols.

Mayor Trantalis recognized Hy Montero, *Points of America II Condominium*. Mr. Montero spoke in support of a forty-five (45) day trial period for Beach Access Gate closure from 10:00 p.m. to 5:00 a.m. (nighttime) to allow sufficient time to determine any related adverse impact on area residents and reduction of resident complaints. He expounded on his perspective and related details.

Mayor Trantalis recognized John Wilkinson, 2013 SE 26 Terrace, and President of Breakwater Surf Club Association. Mr. Wilkinson commented on conversations with Mr. Montero. He noted numerous resident complaints occur during daylight hours. A nighttime closure of the Beach Access Gate would not curtail those concerns. He expounded on historical aspects of previous Beach Access Gate closure.

Mayor Trantalis recognized, Robert Linder, 900 SE 23rd Avenue. Mr. Linder spoke in support of Mr. Montero's recommendation to close the Beach Access Gate at nighttime. He expounded on his perspective, citing examples and noted previous closure of the Beach Gate at nighttime was effective in alleviating neighbor concerns.

Mayor Trantalis recognized, Stephan Semsch. Mr. Semsch cited examples of neighbor complaints and safety concerns. He confirmed support of Beach Access Gate closure at nighttime.

In response to Commissioner Sorensen's request, City Manager Lagerbloom pointed out easements and public and private portions of the beach area shown on a slide illustrating the *Points of America Condominiums* area. Comment and discussion ensued on various easements and Broward County's responsibility for a part of the jetty.

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

In response to Commissioner Sorensen's questions, Phil Thornburg, Parks and Recreation Director, confirmed the placement of additional trash receptacles in the area and commented on Staff cleanup of easements and public portion of the beach. Comment and discussion ensued on this topic. City Manager Lagerbloom confirmed drinking

alcoholic beverages is not permitted on public beaches. Assistant Chief Sousa explained neighbors should call the Non-Emergency Police Line, 954-763-4537, to report Ordinance violations, citing examples. He expounded on recent calls for service in the neighborhood. Police patrols have been proactive, and feedback indicates compliance when requested. Assistant Chief Sousa noted limited public parking in the area and explained outreach to area condominiums to enforce towing, but there was no interest.

In response to Commissioner Sorensen's question regarding adding additional trash receptacles south of the northern easement near the Beach Gate, Mr. Montero confirmed.

Mr. Montero said there is no Ocean Rescue Station on this public beach area and having one would deter harmful activities during the day. He reiterated the need to close the Beach Access Gate at nighttime for a forty-five (45) day trial. Comment and discussion ensued on the nearest Ocean Rescue Station.

Commissioner Sorensen reviewed actions implemented in the area, his support of placing an Ocean Rescue Station on this portion of the public beach, working with neighborhood condominiums to increase parking enforcement and landscaping opportunities to deter illegal parking. He does not support the closure of the Beach Access Gate at nighttime.

Commissioner Moraitis commented on her perspective and a similar situation at Birch State Park and Dolphin Isles that allowed neighbor access. Mr. Montero expounded on his viewpoint. Further comment and discussion ensued.

Mayor Trantalis confirmed his support of Mr. Montero's recommendation for nighttime closure of the Beach Access Gate for a forty-five (45) day trial and a *Points of America Condominiums* security guard allowing neighbor access. Commissioner Sorensen disagreed, noting the need for fair and equal access to the beach. City Attorney Boileau explained his perspective, noting the City has control of the Beach Access Gate due to the easement and the beach is for the public's perpetual use as dedicated.

Mayor Trantalis said per the recommendations of the District Commissioner, the City Manager is to beef up enforcement, add additional garbage receptacles and monitor the situation.

CITY COMMISSION REPORTS

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

Commissioner Moraitis requested Commission input regarding the Stormwater Hybrid Rate calculation (Stormwater Rate) and the possibility of providing financial relief to private schools in District 1. City Manager Lagerbloom said public schools are exempt from Stormwater Rates.

Commissioner McKinzie acknowledged the financial impact on non-profit organizations and commented on possible relief on churches and non-profits organizations in all Districts.

City Attorney Boileau explained his legal perspective that exemptions were not possible. A methodology was calculated, and a validation process was done to determine rate increases. Any deviation would require a validation process through the courts. Further comment ensued on neighbor input regarding the Stormwater Rate structure.

Commissioner Moraitis expounded on her viewpoint in support of providing relief to not-for-profit organizations. Mayor Trantalis explained the need to fund Stormwater remediation projects as currently partially funded through the rate payer system. Further comment and discussion ensued.

Vice Mayor Glassman commented on his perspective, concurring with City Attorney Boileau's legal viewpoint.

Vice Mayor Glassman congratulated Howard Steinholz, former longtime President of *Seven Isles Homeowners Association*, for his years of service.

Vice Mayor Glassman commented on concerns regarding numerous dog attacks by pit bulls and calls to Broward County Animal Control on the *Isle of Capri* in *Las Olas Isles*. He requested Staff remain focused on this situation to avoid escalation.

Vice Mayor Glassman recommended the Commission revisit appointing an *Emergency Medical Service (EMS) Substation Advisory Board*.

Vice Mayor Glassman confirmed emails to the City Attorney Alain Boileau and City Auditor John Herbst requesting specific information regarding the upcoming *Bahia Mar* Commission presentation at the March 16, 2021 Commission Conference Meeting. Information requested included a copy of the lease, an analysis of the current lease

and the proposed lease to include pros and cons. He requested all this information to be included in the Agenda backup for public review when the Agenda is published.

Vice Mayor Glassman requested City Attorney Boileau compile a list of topics for examination by the *Charter Review Board (CRB)*. He remarked that in 2016, the previous Commission was presented with over 1,000 public petitions submitted regarding use of public land for a public purpose as part of an Ordinance or included as part of a Charter review. A significant amount of related information on this subject was also received. Vice Mayor Glassman said he would like the Commission to revisit this topic.

Mayor Trantalis reviewed action by the previous Commission and confirmed his support. He recommended, should the Commission desire to move forward on the use of public land for a public purpose, it should be submitted to the *CRB*.

Commissioner McKinzie discussed City Hall conditions due to recent water damage. He commented on floor covering layers and asbestos concerns. City Manager Lagerbloom explained mitigation efforts for water damage included professional remediation work. Vendors recommended the industry-standard to overlay new carpeting on existing floor coverings. Further comment and discussion ensued.

In response to Commissioner McKinzie's question regarding the existence of asbestos, Mr. Thornburg said there is three layers of covering over any asbestos located in or below tile. Enrique Sanchez, Parks and Recreation Department Deputy Director, confirmed it is recommended that the asbestos not be disturbed.

Commissioner McKinzie expounded on his perspective, stating that now is the time to deal with environmental asbestos concerns in the building. He would like to review the professional testing reports for asbestos and other environmental concerns. Mr. Sanchez said those reports would be forthcoming.

Commissioner Sorensen commented on the recent anniversary of the passing of former Wilton Manors Mayor Justin Flippen. Further comment and discussion ensued.

Mayor Trantalis discussed efforts to provide commuter rail service between West Palm Beach and Miami and his recommendation to include a three (3) mile tunnel underground through a portion of the City

(Underground Tunnel Project).

Mayor Trantalis updated the Commission on a recent trip with a stakeholder group to view *The Boring Company's* projects in Las Vegas, which has a tunnel prototype project, and Los Angeles, the location of its initial underground tunnel project. The focus of the trip was to discuss an Underground Tunnel Project in the City at a significantly lower cost than suggested by the Florida Department of Transportation (FDOT).

Mayor Trantalis narrated a presentation that includes an extensive update of details and applications related to the proposed Underground Tunnel Project.

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

Mayor Trantalis confirmed he would share additional project documentation received with Commission Members. Each Commission Member noted their support and desire for additional information. Further discussion ensued on accommodating passenger and freight railway in the Underground Tunnel Project.

Commissioner McKinzie commented on parcels located adjacent to City Hall that are on the market which were previously swapped with Brightline. Mayor Trantalis commented on possible options for use of one of those parcels should the Underground Tunnel Project move forward. Further comment ensued.

CITY MANAGER REPORTS

None.

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

The Executive Closed-Door Session began at 5:18 p.m.

[21-0261](#)

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

Lily Catherine Frusciante v. City of Fort Lauderdale
Case No.: CACE 18-012293 (21)

ADJOURNMENT

Mayor Trantalis adjourned the meeting at 5:34 p.m.