

City of Fort Lauderdale



Meeting Minutes

Tuesday, March 16, 2021

1:30 PM

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

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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 1:35 p.m.

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)

ANNOUNCEMENTS

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

OLD/NEW BUSINESS

BUS-1 [21-0312](#)

Bahia Mar Discussion - (Commission District 2)

Mayor Trantalis discussed background details of this Agenda item, commenting on Staff conversations with *TRR Bahia Mar LLC* developer/applicant (Lessee) regarding other options for Bahia Mar as opposed to rentals currently approved.

Mayor Trantalis explained that as former District 2 Commissioner on a prior Commission serving in 2017, he opposed the approval of the current Lease and Site Plan, which includes development of six hundred and fifty one (651) rental units in several buildings, a hotel, fishing village, grocery store and a promenade around the property. He remarked on concerns related to the current Site Plan and its impact on *The Boat Show*. The Lessee has returned to the Commission for modifications to include condominium development as opposed to rentals currently approved for the project.

Mayor Trantalis provided a brief historical review regarding previous 2015 lease negotiations between the former City Manager and the Lessee which included condominium development that was ultimately withdrawn and never approved by a prior Commission.

Mayor Trantalis explained the Lessee is currently requesting modifications to the current Lease, including consideration of condominiums and other items.

In response to Commissioner Sorensen's question, Mayor Trantalis noted approximately sixty (60) people had signed up to speak on this item. Commission discussion is planned to begin at 5:00 p.m.

In response to Vice Mayor Glassman's inquiry regarding Lessee input during this meeting, Mayor Trantalis clarified this discussion centers around the Commission's desire to provide further direction to Staff regarding contacting the Lessee and advising the position of the Commission. The Commission is not considering review of new documents, a new Site plan or changes to the Lease.

Vice Mayor Glassman expounded on his perspective regarding stakeholders receiving a framework regarding what the Lessee is proffering. Mayor Trantalis expounded on the purpose of this discussion previously noted. Commissioner McKinzie concurred with Vice Mayor Glassman's comments. Vice Mayor Glassman noted his January 5, 2021 request to Staff for a *Bahia Mar* update presentation and expounded on his viewpoint.

In response to Mayor Trantalis' question, City Attorney Alain Boileau said he did not have a presentation but could answer specific questions.

In response to Commissioner Sorensen's questions for an update, City Attorney Boileau explained outreach from the Lessee. In 2019 he and City Manager Lagerbloom were approached by Mr. Tate and Mr. Somerstein, on behalf of the Lessee, regarding modifications to the Lease. In June 2020, the Lessee provided a reiteration of the proposed Amended and Restated Master Lease and an attached Air Rights Agreement (*proposed Lease modifications*) to the City Manager for review and were forwarded to City Attorney Boileau. Due to Staff limitations in the area of real estate law, an in-depth review of the *proposed Lease modifications* did not occur until November 2020. City Attorney Boileau commented on his understanding of the *proposed Lease modifications*. During this timeframe, Staff was working on other *Bahia Mar Pedestrian Bridge Agreement* negotiations.

City Manager Lagerbloom noted, at the discretion of Mayor Trantalis, the opportunity for representatives of the Lessee to provide an update on the *proposed Lease modifications*

Mayor Trantalis recognized Robert B. Lochrie, III, Esq, 1401 East Broward Boulevard, on behalf of the applicant, *TRR Bahia Mar LLC* (Lessee). Mr. Lochrie commented on the history of the *Bahia Mar* site (Site) and related leases, improvements by the Lessee and the Lessee's perspective that it is time for a new Lease. Terms of a proposed new Lease have not been negotiated. Mr. Lochrie said, *everything is on the table*.

In response to Mayor Trantalis' question, Mr. Lochrie confirmed one of the requests is the conversion of rental units to condominium units, which require a fifty (50) year lease term plus an additional fifty (50) year lease term to allow the sale of condominium leasehold interests.

In response to Vice Mayor Glassman's question regarding Mr. Lochrie's statement that *everything is on the table*, Mr. Lochrie explained the Lessee requests include changes to the Lease that would allow the Lessee to move forward. Anything the City proposes will be considered.

In response to Commissioner Sorensen's question regarding addressing the *proposed Lease modifications* when the Site Plan was approved, Mr. Lochrie explained historical aspects of the Site Plan and previous lease requests. The current Site Plan meets Code requirements. This is the second time the Lessee has come forward with a new lease request.

In response to Commissioner Sorensen's question, City Attorney Boileau confirmed there was no discussion with Commission Members regarding the Lessee's outreach to Staff on this matter. Commissioner Sorensen emphasized that Commission Members should be updated and made aware of outreach on these types of significant, critical matters of importance to the community. City Attorney Boileau confirmed.

Commissioner Sorensen requested input regarding a public records request for a June 2020 email exchange (Email Exchange) between City Attorney Boileau and Assistant City Attorney Robert Dunckel where City Attorney Boileau expressed the need for confidentiality regarding *proposed Lease modifications* City Attorney Boileau explained concerns regarding a possible conflict of interest related to Assistant City Attorney Dunckel. Prior to Mr. Dunckel's rehiring by the City, he represented parties in opposition to the Lessee's development of *Bahia Mar*. City Attorney Boileau expounded on details of the Email Exchange.

In response to Commissioner Sorensen's questions, regarding outside counsel for real estate matters, City Attorney Boileau confirmed the hiring

of *Weiss Serota Helfman Cole & Bierman, P.L. (Weiss Serota)* to review this matter, which include aspects of condominium law. He expounded on details and limited staff resources in the City Attorney's Office for specific areas of law. Further comment and discussion ensued.

City Attorney Boileau explained the legal review of the Lessee's *proposed Lease modifications* by Weiss Serota and Staff during the last quarter of 2020. The running total of funds spent over the past two (2) years on the *Bahia Mar* matter is approximately \$11,000. There is \$400,000 in funding available for the use of outside legal counsel.

In response to Commissioner Sorensen's questions, Joseph M. Hernandez, Partner and Real Estate Practice Group Chair at *Weiss Serota*, gave a brief explanation of real estate air rights transactions. It is a way to maximize space and create individual ownership estates that can be owned and financed separately, citing examples. Further comment and discussion ensued.

Mr. Hernandez explained *Weiss Serota's* scope of work and representation includes assistance and advising City Attorney Boileau on condominium air rights issues in the *proposed Lease modifications*.

In response to Commissioner Moraitis' question regarding building the project without air rights, Mr. Lochrie explained air rights relate to how properties would be conveyed and financed. Aspects of the Site Plan have nothing to do with ownership aspects. Mr. Lochrie cited examples.

In response to Commissioner Moraitis' question regarding a precedent for building private condominiums on public land, Mr. Lochrie noted Nu River Landing and others in the City that require a fifty (50) or a one hundred (100) year lease.

In response to Commissioner Moraitis' questions regarding *proposed Lease modifications* Mr. Lochrie discussed the concept of breaking the Lease up into additional, multiple individual independent leases and the proposed recalibration of increased shared revenue. Changes to the Site Plan could be part of new Lease negotiations.

Commissioner Moraitis noted the importance of public access and public amenities on public land. Mr. Lochrie pointed out the Site Plan speaks to this topic, citing examples. He noted the Lessee contributed towards the *Florida Department of Transportation (FDOT) Pedestrian Bridge* improvements, located adjacent to *Bahia Mar*. Mr. Lochrie commented on upgrades associated with the Lessee's Site Plan,

including seawall improvements and a new lift station.

Commissioner Moraitis commented on her perspective regarding protecting the existing public marina aspects of *Bahia Mar*, currently operated by *Suntex Marine*, and ensuring a home for charter boats. Mr. Lochrie noted the current Lease does not speak to this but could be discussed in a new lease.

Commissioner Moraitis noted the importance of *The Boat Show* having a positive relationship with all public property in this area and the City's need to be part of related negotiations. Mr. Lochrie noted *The Boat Show* has a non-disclosure agreement that would need to be waived. *The Boat Show* supported the Site Plan approved in 2017.

In response to Commissioner Sorensen's questions, Mr. Lochrie explained air rights are associated with the request to build condominiums. Mr. Lochrie expounded on his understanding of existing subleases, including docks subleased to *Suntex Marine*.

In response to Commissioner Sorensen's questions, City Attorney Boileau said the current Lease ends in 2062. At the end of the current Lease, the City retains everything on the property. City Manager Lagerbloom explained the rough estimate of a modern-day sea wall for this area is approximately \$6,000,000 - \$10,000,000. Additional costs to maintain the property are dependent upon use. Following the expiration of the current Lease, the City could contract with an entity for marina operations. City Manager Lagerbloom explained he did not receive feedback on *The Boat Show's* input regarding *proposed Lease modifications*.

Mayor Trantalis recognized Nancy Thomas, 1924 Admirals Way, and representative of *Lauderdale Tomorrow*, a group of residents dedicated to preserving the City by ensuring its sustainable future. Ms. Thomas spoke in opposition to a proposed new lease, citing *Lauderdale Tomorrow's* efforts and the public perception regarding Staff actions on this matter.

Mayor Trantalis recognized Bill Cole, 1942 SE 24th Avenue. In response to Mr. Cole, Mayor Trantalis explained a proposed new lease has been reviewed by Staff but not presented to the Commission. Mr. Cole requested a new appraisal and the need to maintain the character of a Marina.

Mayor Trantalis recognized Betty O'Connor, 730 Isle of Palms. Ms.

O'Connor spoke in opposition to *proposed Lease modifications* and commented on the City's need to negotiate from a position of strength. She expounded on opposition to aspects of the *proposed Lease modifications*, including subdividing the current Lease, proposed changes to financial factors and other items.

Mayor Trantalis recognized Marilyn Mammano, 1819 SE 17th Street. Ms. Mammano noted public review of the proposed lease and commented on the ability of the public to access open space due to restrictions associated with private events in the proposed lease. She reiterated earlier public comments and urged the Commission to think creatively and think big should new lease negotiations for this property move forward with the intention of increased open, public space for recreational use.

Mayor Trantalis recognized James Bartholomew, 511 SE 5th Avenue. Mr. Bartholomew urged the Commission not to move forward with Lease negotiations, citing terms associated with the *proposed Lease modifications* and examples of what occurs with condominium owners when a land lease expires.

Mayor Trantalis recognized William Brown, President of the Central Beach Alliance. Mr. Brown read a statement crafted by the Central Beach Alliance on this matter, requesting the Commission not move forward on an amended lease at this time due to the complex nature of the proposed lease. He noted the need to use this public land for a public purpose, as pointed out by previous speakers.

Mayor Trantalis recognized Ina Lee, 2000 S. Ocean Drive. Ms. Lee confirmed support of moving forward with lease negotiations to transform the property in the best interest of all stakeholders.

Mayor Trantalis recognized Abby Laughlin, 1050 Seminole Drive. Ms. Laughlin spoke in support of Commission consideration of lease extension discussions with the Lessee, expounding on her perspective as a business property landlord.

Mayor Trantalis recognized Kevin Kodish, 511 SE 5th Avenue. Mr. Kodish spoke in support of Commission consideration to modify the Lease. He compared the redevelopment of *Bahia Mar* and *proposed Lease modifications* to the Pier 66 project and cited other benefits.

Mayor Trantalis recognized Segev Shpats, 2357 Stirling Road, on behalf of *Friends of Bahia Mar.com*. Mr. Shpats spoke in support of

Commission to modify the Lease, confirming a petition in support is being circulated. He commented on the need of outdoor public activities for young people.

Mayor Trantalis recognized Carolann Mazza Bartholomey, 3000 Holiday Drive. Ms. Bartholomey spoke in opposition to Commission consideration of extensions or modifications to the current Lease. She expounded on her experience regarding public access to the property, the adjacent *Bahia Mar Pedestrian Bridge*, comments from Mr. Hernandez regarding air rights and Mr. Lochrie about transferring public land to private entities.

Mayor Trantalis recognized Steve Ganon, 2517 North Atlantic Boulevard. Mr. Ganon spoke in opposition to Commission consideration of extensions or modifications to the current Lease, echoing previous comments of those who spoke in opposition and recommending no residential units of any type on this property.

Mayor Trantalis recognized Kurt Meister, One Las Olas Circle. Mr. Meister spoke in opposition to Commission consideration of extensions or modifications to the current Lease, concurring with previous comments and points raised by residents in opposition.

Mayor Trantalis recognized John Burns, One Las Olas Circle. Mr. Burns spoke in opposition to Commission consideration of extensions or modifications to the current Lease, noting the proposed modified lease is one-sided. He concurred with previous comments and points raised by residents focusing on public use of this public property.

Mayor Trantalis recognized Paul Chettle, 200 South Birch Road. Mr. Chettle requested faith and confidence in the Office of the City Attorney. He commented on 2020 Staff negotiations, the need to adhere to lobbyist requirements, hiring special counsel for this matter and non-disclosure before the 2020 City election.

Mayor Trantalis recognized Tricia Halliday, 50 Nurmi Drive. Ms. Halliday confirmed her opposition to Commission consideration of Lease extensions or modifications, including air rights for reasons previously discussed by residents, i.e., the need to use public land for a public purpose.

Mayor Trantalis recognized Kristen Maus, 1778 Marietta Drive. Ms. Maus spoke in opposition to Commission consideration of extensions or modification of the current Lease. She concurred with previous

comments by Mr. Brown, the need to enforce the existing Lease and commented on the perception that the process is farther along than the public is aware.

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

Mayor Trantalis recognized Joshua Skowron, 2230 SW 38th Avenue. Mr. Skowron discussed his support of Commission consideration of extensions or modification of the current Lease, expounding on details regarding positive aspects.

Mayor Trantalis recognized Joseph Maus, 205 W. Davie Boulevard. Mr. Maus spoke in opposition to Commission consideration of extensions or modification of the current Lease and said the City has all the leverage in this matter. He noted the public currently has no access to this public land and recommended removing the gates and guardhouse, laying down sod to allow public access.

Mayor Trantalis recognized Heather Brinkworth, 2609 NE 26 Street. Ms. Brinkworth spoke in opposition to the Commission considering renegotiations of the existing Lease. She noted numerous concerns, including conveying air rights, and urged enforcement of the current Lease.

Mayor Trantalis recognized Stan Eichelbaum, 411 N New River Drive East, on behalf of Fort Lauderdale Alliance for Good Government (FLAGG). Mr. Eichelbaum spoke in opposition to Commission consideration of extensions or modification of the current Lease, commenting on the Lessee's non-performance under the existing Lease and other concerns, including protecting the public's interests.

Mayor Trantalis recognized Joanne Robinson, 1997 Admirals Way, President of the Harbor Inlet Association (HIA). Ms. Robinson confirmed the HIA Board of Directors strong opposition to the Commission moving forward with Lease renegotiations, as expressed by other speakers earlier in this meeting.

Mayor Trantalis recognized Janet Scraper, 401 SW 4th Avenue. Ms. Scraper spoke in opposition to the Commission considering Lease renegotiations, noting numerous concerns, including lack of improvements under the current lease and the sale of condominiums on private-public land. The Lessee received what was previously requested under the existing Lease.

Mayor Trantalis recognized John Roth, 333 Sunset Drive. Mr. Roth discussed future environmental impacts, i.e., sea-level rise and storm surge, on the Lessee's development plans for residential units and seawalls, similar to those experienced in other areas of the country. Mr. Roth cited the Perez Art Museum Miami as an example of proper planning for future environmental impact.

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

Mayor Trantalis recognized Mary Fertig, 511 Poinciana Drive, on behalf of the Idlewyld Improvement Association. Ms. Fertig spoke in opposition to Commission considering Lease renegotiations allowing condominiums on this public land, urging adherence to language in the current Lease requiring the property's character as a marina be maintained. She urged enforcement of the existing Lease and requested a referendum on the next ballot for public decision regarding public land use for a public purpose.

Mayor Trantalis recognized Geary Cotton, 615 Idlewyld Drive. Mr. Cotton spoke in opposition to Commission considering Lease renegotiations to allow the building of condominiums, commenting on financing limitations due to the current Lease term, expounding on details and the impact of a one hundred (100) year Lease.

Mayor Trantalis recognized Lisa Malcolm, 1900 Admirals Way. Ms. Malcom commented on the negative impact of residential buildings on surrounding neighbor quality of life. She noted the City Charter position regarding fifty (50) year Lease terms for *Bahia Mar*.

Mayor Trantalis recognized Landon McNeill, 1044 NE 18th Avenue. Mr. McNeill spoke in support of Commission consideration of a renegotiated Lease for planned development, citing benefits and examples.

Mayor Trantalis recognized Kurt Zimmerman, 1801 SE 7th Street. Mr. Zimmerman spoke in support of the Commission considering proceeding with good-faith Lease renegotiations.

Mayor Trantalis recognized Nelson Fernandez, 1259 North Rio Vista Boulevard. Mr. Fernandez spoke in support of the Commission considering proceeding with good-faith Lease renegotiations, noting his economic interest in the current leasehold and the need for improvements on the property.

Mayor Trantalis recognized John Milledge, Esq., 200 SW 1st Avenue,

co-counsel with Mr. Lochrie, representing the Lessee. Mr. Milledge commented on his understanding of the Lessee's contribution towards the *Bahia Mar Pedestrian Bridge* repairs and his opinion regarding lease terms in the City Charter, case law regarding commercial use of public land, the impact of future sea-level rise and benefits of condominiums on the property for large yachts owners.

Mayor Trantalis recognized Art Seitz, 1905 North Ocean Boulevard. Mr. Seitz commented on the need for bicycle connectivity in development plans and increased width of the planned promenade. He noted the need for a dedicated bike lane separate from vehicle traffic lanes moving north on State Road A1A.

Mayor Trantalis recognized Barry Somerstein, 2555 Lucille Drive. Mr. Somerstein disclosed his financial interest in the *Bahia Mar Project*. He spoke in support of the Commission considering Lease renegotiations to determine any benefits, expounding on details and related benefits.

Mayor Trantalis recognized Lorraine O'Neil, 701 SE 6 Street. Ms. O'Neil commented on the original intent of the area and the City's need to maintain control.

Mayor Trantalis recognized Peter Partington, 1521 NE 53 Street. Mr. Partington spoke in support of large, open public spaces similar to other major cities worldwide. He spoke in support of the City maintaining control of this property and its current outdoor open space for future generations.

Mayor Trantalis recognized Alberto Fernandez, 2700 Davie Road. Mr. Fernandez spoke in support of Commission consideration of Lease renegotiations for *Bahia Mar* improvements, expounding on the need for a one hundred (100) year lease and citing examples of benefits.

Mayor Trantalis reviewed details related to this topic. The previous Commission approved the current Site Plan with what the Lessee was seeking. Based upon today's discussions with Mr. Lochrie, the Lessee is seeking to convert rental units to condominiums.

Commissioner Moraitis commented on her perspective regarding the need to move forward with Lease renegotiations, noting City investments in this area of the barrier island that includes public park space.

In response to Mayor Trantalis' question, City Attorney Boileau explained there are no performance milestones under the Lease. The Site Plan has

an expiration date.

Commissioner Moraitis supports continued discussions with the Lessee to determine what the Commission envisions for the area, expounding on her viewpoint.

Vice Mayor Glassman thanked all stakeholders who expressed opinions on this topic and noted his condominium experience both as a resident and a condominium board member. He confirmed opposition to condominiums on the Site, commenting that the City should not be in the condominium business.

Vice Mayor Glassman described the proposed Master Lease as a quagmire, a *pandora's box*, which would require an Assistant City Manager and an entire department in charge of condominiums, citing examples. All aspects of the *proposed Lease modifications* are predicated on condominiums and needs to be thrown out.

Vice Mayor Glassman expounded on the small amount of revenue in the existing Lease and the *proposed lease modifications*. The Lease is based on the 1995 Lease with no benchmarks and puts the City in a weak position. It is less than favorable. He expounded on existing Site Plan details and the need to reduce the number of buildings, expand public amenities, and increase open space. The City loses all leverage should it agree to a one hundred (100) year lease. The number of years in the lease cannot be addressed until uses on the Site are determined. He acknowledged improvements made to the interior of *Bahia Mar* and the need for much more.

Vice Mayor Glassman noted six hundred and fifty (650) residential rental units is too much and needs to be revisited. He said lengthy lease terms of phased condominiums would extend leases beyond one hundred (100) years. Vice Mayor Glassman noted financing consequences faced by condominium owners under a land lease.

Vice Mayor Glassman noted a review of the 1995 Lease that the City is operating under does not address resiliency. However, Section 18.17 of the *Restated Amended Master Lease* speaks to this topic under *Marina Standards*, i.e., seawalls. He noted the need to take action to address sea-level rise and determine which party is responsible.

In response to Vice Mayor Glassman's questions regarding the amount for buying out the tenant, the current appraisal price, and adequacy of the current formula used to determine revenue and a new formula to

determine revenue to the City, City Auditor John Herbst addressed these inquiries. The leasehold interest value is in excess of the \$160,000,000 paid several years ago and depends upon numerous factors, including the current Site Plan and the proposed site plan. He recommended utilizing the services of a competent business evaluation appraiser.

City Auditor Herbst commented on discussions some years ago with former City Attorney Harry Stuart that determined the City was best served by being a landlord, not by being a partner in hotel, rentals and marina operations. Rent would be based upon the site's appraised value, which reduces the opportunity of a *transfer pricing issue*. The percentage of the appraised value at that time was ten percent (10%). Based on that percentage and the property's former appraised value, the rent would be approximately \$22,000,000, based upon the \$218,000,000 valuation of the property, which is more reflective of the value.

City Auditor Herbst noted his perspective regarding previous negotiations with the *Blackstone Group*. He recommended the City move forward in the posture as landlord, expounding on details.

Vice Mayor Glassman discussed the area's zoning, *South Beach Marina and Hotel Area (SB-MHA)* that should be the first priority. He expounded on the need for a first-class, upscale resort with an outstanding marina and amenities to ensure future generations can enjoy this public land. He is not willing to wait until the current lease expires in forty-one (41) years.

Vice Mayor Glassman requested more transparency from City Manager Lagerbloom and City Attorney Boileau. He implored Staff to keep Commission Members abreast and updated on anything coming across their desks regarding this matter during every step in the process.

Commissioner McKinzie complimented Commissioner Moraitis and Vice Mayor Glassman on their comments and his support of their viewpoint to do something different on the Site.

Commissioner McKinzie commented on his disappointment regarding Commission Members not being updated on this matter and provided relevant information by Staff. He requested open negotiations with the Lessee, City Manager Lagerbloom, and City Attorney Boileau with Vice Mayor Glassman as Commission Liaison.

Commissioner McKinzie commented on his viewpoint and input from City Auditor Herbst and residents who spoke earlier. He concurred with

Vice Mayor Glassman's earlier comments and recommended the Commission discuss this matter at each Commission Meeting going forward. He commented on the possible opportunity to request revenue from *The Boat Show*.

In response to Commissioner Sorensen's question regarding other options for the Site, should Commission approval for condominiums does not occur, Mr. Lochrie replied that he would take Commission input to his client to review options. He noted the perspective of the Lessee and related details.

In response to Commissioner Sorensen's question regarding the relationship between the Lessee and *The Boat Show*, Mr. Lochrie explained his understanding that there is a relationship between *Rahn Bahia Mar* and *The Boat Show* related to the operation of *The Boat Show* on the *Bahia Mar* property (*Boat Show Agreement*) that contains a non-disclosure clause. The previous Commission required an approved *Boat Show Agreement* prior to approval of the existing Site Plan. Further comment and discussion ensued.

Commissioner McKinzie recommended the *Boat Show Agreement* be made available to the Commission prior to considering *proposed Lease modifications*. Mayor Trantalis concurred.

Commissioner Sorensen recommended *The Boat Show* be part of the discussion on this matter. Mr. Lochrie confirmed his understanding of this point.

Commissioner Sorensen expounded on his perspective regarding the community benefits of parks and open spaces.

Mr. Lochrie noted should an extended Lease not be approved, the Site Plan would remain the same, commenting on costs for necessary improvements, including seawalls and raising the Site, which is part of the request for additional time.

Commissioner Sorensen confirmed his position not to extend the length of the Lease, stating condominiums are not a viable option.

Mayor Trantalis discussed his perspective, noting the City continues to evolve and the need for something to occur on the *Bahia Mar* property. He reiterated his opposition as District 2 Commissioner to residential development on the approved 2017 Site Plan. The Site should be used for recreation and public use. The Commission and *The Boat Show*

should look to those options.

Mayor Trantalis explained details of an overlay he presented to the 2017 Commission illustrating the approved Site Plan buildings displace *The Boat Show*. He provided a copy to Commissioner Moraitis and a copy would be given to all Commission Members. The document was shown on the overhead projector.

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

Mayor Trantalis noted his perspective and lack of Commission consensus to approve residential condominium development on the Site. He does not support this property languishing for the next forty-two (42) years. Input from the City Attorney indicates there are no performance milestones in the current Lease. What the developer desires may not in the best interests of the community and the City. Government is responsible for providing a good quality of life to its residents, i.e., benefits to the public. He favors continuing discussions with the Lessee, commenting on the need to understand whether the Lessee desires to go forward should the Lease not be extended.

In response to Vice Mayor Glassman's question, City Manager Lagerbloom confirmed the entire area of *Bahia Mar* is located in District 2.

Mayor Trantalis encouraged all Commission Members to discuss this matter individually with the Lessee to determine the best way to move forward. Mayor Trantalis said he would speak individually with the Lessee. Vice Mayor Glassman said he would speak separately and individually with the Lessee.

In response to Commissioner Sorensen's question, Mayor Trantalis said condominiums are *off the table*, and residential should not be the dominant feature of development.

Vice Mayor Glassman noted Commissioner McKinzie's references to property uses as defined in the current Lease, which allows for residential use, citing *Article 19*. Mayor Trantalis explained allowed uses in the Lease are not required uses.

Vice Mayor Glassman noted the need to take *Article 19* in the Lease in totality to determine how uses are monetized to determine what the Commission desires while ensuring the best possible revenue for the City. He expounded on related details.

Mayor Trantalis said he, Vice Mayor Glassman and Commissioner Sorensen are opposed to condominium units on the property. If residential units are built on the property, they would need to be rental units.

Mayor Trantalis confirmed the prerequisite of the Lessor to allow representatives of *The Boat Show* to participate in future discussions regarding the viability of the Site Plan and its impact on *The Boat Show*. Vice Mayor Glassman concurred, noting the need to consult counsel. Further comment ensued on extending the Lease.

Commission McKinzie commented on his viewpoint for fair and open negotiations, recommending Staff and Vice Mayor Glassman, as the Commission Liaison, meet with the Lessee and return to the Commission for future discussion regarding the Site Plan. Further comment and discussion ensued on parameters for the Site.

RECESS

Mayor Trantalis recessed the meeting at 5:50 p.m.

RECONVENE

Mayor Trantalis reconvened the Meeting at 8:28 p.m.

CITY COMMISSION REPORTS

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

Commissioner Moraitis invited the Commission and members of the public to the Inter-Miami CF game and Ribbon Cutting on Sunday, April 18, 2021.

Commissioner Moraitis noted the Florida State Legislature's progress on two items. An amendment was filed regarding vacation rentals, removing State preemption. Legislation moved forward addressing a smoking ban on the beach.

Commissioner Moraitis commented on the Commission meeting as part of the Unified Direct Procurement Authority Meeting (UDPA). She noted the Commission's need to discuss its thoughts and perspective regarding a Joint Government Center and provided her viewpoint regarding purchasing additional land, project plans, costs and the need

for details. Further comment and discussion ensued on the process moving forward and plans for the *One-Stop-Shop* property.

Vice Mayor Glassman explained the status of the *One-Stop-Shop*. The timeframe for the unsolicited proposal has expired. The Commission is awaiting a Comprehensive Agreement draft from the applicant. City Manager Lagerbloom confirmed, expounding on details regarding the process after receipt of the Comprehensive Agreement. Staff will review the Comprehensive Agreement submitted to ensure it adheres to Statute requirements. This will be followed by submission to the Commission.

Commissioner Moraitis noted the *Army Corp of Engineers* will begin a Beach Renourishment Project from Hillsborough Beach to Port Everglades in November 2021. Vice Mayor Glassman confirmed.

Vice Mayor Glassman commented on successful repairs to the *Bahia Mar Pedestrian Bridge* that will include a public art mural. He noted a tour of *Parker Playhouse* and the progress of renovations, expounding on details.

In response to Vice Mayor Glassman's questions, City Manager Lagerbloom provided an update on *DC Alexander Park Project*. The Beach Community Redevelopment Agency (CRA) reallocated funding for *DC Alexander Park Project* to the *Aquatic Complex Project*. A funding strategy will be identified and brought to the Commission to move *DC Alexander Park Project* forward. City Manager Lagerbloom said he would provide a timeline at the April 6, 2021 Commission Regular Meeting, coinciding with an April 2021 Budget Amendment.

In response to Vice Mayor Glassman's request, City Manager Lagerbloom provided an update on License Plate Reader (LPR) Program technology and cameras in neighborhoods, commenting on the possibility of a data-sharing agreement with neighborhoods providing data access to the City. Commission discussion is scheduled during the April 6, 2021 Commission Conference Meeting to consider Commission interest in participating, i.e., funding beyond initial implementation and other items.

Vice Mayor Glassman said that any clarity Staff could present regarding this topic would be appreciated. City Manager Lagerbloom confirmed this was not yet implemented in neighborhoods.

Vice Mayor Glassman requested an update regarding the *American Rescue Plan Act of 2021 (American Rescue Plan)* funding. City

Manager Lagerbloom explained anticipated funding to the City is approximately \$39,600,000 - \$39,700,000, expounding on details. He will request Finance Department Staff provide the Commission and the community an overview.

Vice Mayor Glassman commented on an email received regarding break-ins at the *Fort Lauderdale Woman's Club (Women's Club) located in Stranahan Park*, noting the negative impact of homelessness. City Manager Lagerbloom explained Staff would be providing recommendations regarding the homeless encampment in this area. He expounded on Staff efforts regarding homeless outreach and other ways to address this situation. City Manager Lagerbloom confirmed his scheduling of a meeting with *Woman's Club* representatives. Vice Mayor Glassman requested an update following that meeting, noting suggestions in the referenced email.

Vice Mayor Glassman commented on motorcycle nuisance worsening on the beach during weekends. Interim Police Chief (Chief) Patrick Lynn acknowledged this is a significant concern and provided an update. Operations Officers have been working aggressively to address, and over 1,000 citations had been issued to motorcycles and vehicles.

Chief Lynn discussed details related to addressing jet skis operations and will be bringing forward ideas to remedy related concerns. City Manager Lagerbloom said the City had dedicated many resources to alleviate these concerns and will continue.

Commissioner McKinzie requested clarity regarding leaf blower discussions at a previous Commission Meeting and his role as Commission liaison in coordination with a Working Group to develop a plan. He was not made aware that Staff had initiated a plan, i.e., a survey to neighbors. City Manager Lagerbloom explained the purpose of the survey, i.e., community outreach gauging community interest for the formation of a working group to address concerns. Raj Verma, Public Works Director, will contact Commissioner McKinzie. Staff will include Commissioner McKinzie before any future Staff action. Further comment and discussion ensued.

Commissioner McKinzie explained efforts to address the remaining five (5) unincorporated areas in Broward County, *Roosevelt Gardens, Franklin Park, Washington Park, Boulevard Gardens and Broadview* and commented on a current Affordable Housing project.

Commissioner McKinzie will reach out to the related consultant, Staff and

City Manager Lagerbloom to develop a Commission presentation outlining the financial impact of annexation. Commissioner McKinzie urged other Commission Members to reach out to Staff for a clear understanding of annexation.

Commissioner McKinzie discussed morale concerns in the Police Department, requesting an update. He noted another distressing incident at the Police Department, explaining his understanding of circumstances and perspective. Commissioner McKinzie requested an investigation. City Manager Lagerbloom confirmed and would provide an update to the Commission on both items. Further comment and discussion ensued. City Manager Lagerbloom confirmed management's support of the Police Department.

Chief Lynn explained outreach to the President of the Fraternal Order of Police President for improving morale, and several ideas are being reviewed. He expounded on efforts as Interim Police Chief and his commitment to working towards improving moral.

Commissioner McKinzie expounded on his perspective regarding this topic, citing details of the current situation and related comparisons. Further comment ensued.

Mayor Trantalis discussed the need to aggressively pursue the search for a new Police Chief, expounding on his viewpoint.

Commissioner McKinzie commented on positive feedback regarding Chief Lynn and the importance of providing him with the proper tools. Commissioner Sorensen concurred regarding the positive feedback received on Chief Lynn.

Tarlesha Smith, Assistant City Manager and Human Resources Director, explained the recruitment process for a new Police Chief. The job advertisement for a permanent Police Chief is expected to be advertised sometime this week or early next week, lasting 30 to 45 days. The anticipated timeline for hiring is 120 days, and Staff can provide regular updates to Commission Members.

Commissioner Sorensen noted the outstanding soccer field facilities at *Mills Pond Park* and inquired about installing permanent shade structures. Phil Thornburg, Parks and Recreation Director, explained challenges of soccer play for using permanent shade structures on soccer fields. Further comment and discussion ensued.

Commissioner Sorensen explained he is a member of the *Lauderdale Isles Water Management District*, a taxing district. Boundaries are misaligned and overlap into the Town of Davie, Florida. Assistant City Attorney D'Wayne Spence explained the cause of the misalignment due to the Town of Davie's annexation of the south boundary of the New River Canal that was moved to the center of the New River Canal in 2002. Broward County did not address the boundary change to the north prior to the transfer of the Water Management District from Broward County to the City and the Town of Davie in 2003. A small portion along the south bank of the New River Canal is located in the Town of Davie and needs adjustment.

Assistant City Attorney Spence explained the Commission could initiate this by Resolution or the Water Management District residents could initiate. There must be a referendum presented to Water Management District citizens to vote for modifying the boundary in either scenario. The Commission could take action by placing this item on a future Consent Resolution.

City Attorney Boileau confirmed the need for Commission direction for Staff to move forward with a Resolution. Further comment and discussion ensued on aligning boundaries. There was a consensus to move forward with a Resolution.

Commissioner Sorensen discussed the need to improve and expand the City's marketing and recommended this topic be a future Conference Meeting Agenda item. Mayor Trantalis concurred. He commented on his perspective and prior dependence on efforts of business organizations in this realm, expounding on details.

Mayor Trantalis noted the talent of Daphnee Sainvil, Program Manager II, to address marketing. City Manager Lagerbloom commented on significant marketing ideas developed by Ms. Sainvil, recommending a possible future Joint Meeting with the Economic Development Advisory Board. Mayor Trantalis confirmed this topic would be an upcoming Conference Agenda item. Additional comment ensued.

Mayor Trantalis commented on continued work with *The Boring Company* for the building of an underground railway tunnel. He will provide updates as things develop.

Mayor Trantalis urged the community to get COVID vaccinations.

In response to Vice Mayor Glassman's question, City Manager

Lagerbloom confirmed lights on the *Las Olas Garage* could be changed to green in recognition of *St. Patrick's Day*. City Manager Lagerbloom confirmed Staff is continuing to pursue items for this project that Staff has not accepted.

CITY MANAGER REPORTS

City Manager Lagerbloom said *The Boring Company* has responded with an initial idea/concept, and Staff will review and advise the Commission.

City Manager Lagerbloom requested Commission direction regarding the property located at 1890 SW 37th Terrace in the Sunset Civic neighborhood. There is a large sewer pump station located on the swale immediately in the front of the residence. The City has exhausted mitigation efforts. Significant and negative impacts continue for the residents of this property. He commented on the concept of purchasing this property for use as a utility. Appraisals received averaged approximately \$370,000, and an offer was made. A \$550,000 counteroffer was received that would require a super-majority approval by the Commission.

Raj Verma, Public Works Department Director, explained details of the pump station rehabilitation efforts. The owner of the residence had requested the relocation of the pump station. There is no open space for pump station relocation without major flow condition disruptions.

Mayor Trantalis inquired if the residence could be taken by eminent domain. Commissioner McKinzie explained efforts to rectify the problem by relocating the pump station, which would cost millions. He expounded on details related to the impact on those living at the residence and the cost of mitigation efforts for similar sewer-related concerns in the Rio Vista neighborhood when the Sewer Force Main Line ruptured in 2019 and 2020.

Mayor Trantalis recommended tabling discussion on this subject and said he would visit the site. Commissioner McKinzie encouraged all Commission Members to visit the site for a clear understanding of the situation.

In response to Vice Mayor Glassman's question, City Manager Lagerbloom said the pump station was on the swale before the current owner purchased the residence. Commissioner McKinzie explained

modifications to the pump station that caused the issue. Vice Mayor Glassman recommended this be scheduled as a Conference Meeting Agenda item to include appraisals and comparable sales. Further comment and discussion ensued.

City Manager Lagerbloom noted a change to the 2021 First Budget Hearing from September 10, 2021 to September 8, 2021 due to scheduling conflicts.

ADJOURNMENT

Mayor Trantalis adjourned the meeting at 9:37 p.m.