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CITY OF FORT LAUDERDALE

AVIATION ADVISORY BOARD FORT LAUDERDALE EXECUTIVE AIRPORT ADMINISTRATIVE OFFICE - MULTIPURPOSE ROOM 6000 NW 21 AVENUE, FORT LAUDERDALE, FL THURSDAY, FEBRUARY 23, 2012, 1:30 P.M.

Board Members	Attendance	Cumulative Attendance 7/11 through 6/12	
		Present	Absent
Bunney Brenneman, Chair	P	7	0
Bruce Larkin, Vice Chair	A	4	3
Gloria Brown	A	4	3
Ron Carlson	P	3	1
Avery Dial	P	4	3
Linda Iversen	P	6	1
Jackie Kaht	P	3	4
Patrick Kerney	A	4	3
Stephen Stella	P	6	1
Mark Volchek	P	5	2
Pamela Bushnell, Mayor, City of Tamarac [non-voting]	A	4	3
Jeff Helyer, City of Oakland Park [non-voting]	P	7	0

Airport/City Staff

Clara Bennett, Airport Manager
 Mark J. Cervasio, Assistant Airport Manager
 Florence Straugh, Noise Abatement Officer
 Rufus A. James, Airport Operations Supervisor
 Fernando Blanco, Airport Engineer
 Sharon Dreesen, Administrative Aide
 Anthony Lederman, Acting Air Traffic Manager, FXE FAA Air Traffic Controller Tower
 J. Opperlee, Recording Secretary, Prototype Services

Communications to the City Commission

None

Call to Order

Chair Brenneman called the meeting to order at 1:31 p.m. Roll was called and it was determined a quorum present.



1. Approve Minutes of January 2012 Meeting

Motion made by Ms. Iversen, seconded by Ms. Kaht, to approve the minutes of the Board's January 2012 meeting. In a voice vote, motion passed unanimously.

2. Parcel 9 - Aero Toy Store, LLC - First Amendment to Lease Agreement

Ms. Bennett informed the Board that in 2008 they had entered into an amended and restated lease agreement with Aero Toy Store, LLC (Aero Toy Store) for Parcel 9, consisting of 12.3 acres of aviation property. The rent was \$207,442.67 (\$0.39 per square foot) per year. The purpose of the new lease was to allow Aero Toy Store to redevelop the property, building three additional hangars and replacing the existing building. The redevelopment would also address the "through-the-fence" operation on the adjacent fee simple property. Ms. Bennett pointed out the properties on an aerial photograph.

Ms. Bennett stated there were provisions in the lease indicating that the through-the-fence operation would exist only while Aero Toy Store owned the fee simple property; if they sold it or assigned the lease to someone else, it would close. It would also close at the end of the existing lease.

Ms. Bennett explained that due to financial difficulties, Aero Toy Store had not completed the redevelopment per the new lease and they were requesting a 24-month extension. In consideration for the extension, Aero Toy Store proposed increasing the current rent to \$217,814.80, plus the regularly scheduled CPI adjustment.

Staff Recommendation

Staff recommended approval of an amendment to the Aero Toy Store, LLC amended & restated lease for Parcel 9 in order to allow for construction of approximately 80,431 square feet of hangars and a new 30,750 square foot FBO office building totaling approximately \$15,000,000 in improvements.

Ms. Bennett informed Mr. Helyer that the rent increase would be permanent.

Ms. Bennett explained that the through-the-fence operation occurred when fee simple property was owned by a third party and had access to the airport. The FAA frowned upon this because usually the operations benefited from the airport but were not paying rent to the airport or abiding by the same requirements of airport tenants. In this case, Aero Toy Store was the owner and Lessee and was abiding by the Airport's minimum standards and was paying rent. This was why they had not required the through-the-fence operation to be closed in 2008.

Chair Brenneman suggested amending the language to specifically indicate the 24-month extension and the 5% rent increase.

Motion made by Mr. Volchek, seconded by Mr. Stella, to approve the staff recommendation as amended by Chair Brenneman. In a voice vote, motion passed unanimously.

3. Mills Pond Park Offsite Mitigation – Construction Observation – Miller Legg & Associates, Inc. – Task Order No. 6

Mr. Blanco reminded the Board that Parcel C, totaling 10.29 acres, contained wetlands and Parcel D, totaling 11.68 acres, contained areas identified with both Natural Resource Area (NRA) and wetlands, which required Environmental Resource Permits and Licenses in order to allow for development. Additionally, both Parcels C and D were the subject of violations and a Final Consent Order regarding unauthorized impacts to jurisdictional wetlands, damage to trees, and removal of ground cover that occurred in 2001 but had never been cured by the former lessee.

Mr. Blanco stated the City of Fort Lauderdale was currently working with Broward County environmental and legal staff to address issues related to the consent order and the Environmental Resource Licenses issued on December 21, 2007, including environmental restoration on the parcels, execution of Conservation Easements for Parcel D, and execution of an agreement with Broward County to allow off-site mitigation for Parcels C and D at Mills Pond Park.

Mr. Blanco informed the Board that, to accomplish this, staff had developed a set of bid specifications through a previous Task Order for the required nuisance and exotic vegetation removal and planting at Mills Pond Park in the Mills Pond Park Mitigation Area (totaling 11.0 acres) to comply with the notices of violation and consent order. Mr. Blanco said staff had released a set of bid specifications for the mitigation work and was recommending award to the low bidder through a separate Board agenda item. Mr. Blanco pointed out the areas on an aerial photograph and described the area.

Mr. Blanco reported that staff had negotiated Task Order No. 6, in the amount of \$79,215, with the City's Environmental Services Consultant, Miller Legg and Associates, Inc. (Miller Legg), to provide construction observation of the environmental restoration to maintain compliance with the permits and order. He stated funds for this task order were available in the FY2011-2012 Operating Budget in Fund 468, Subfund 01, BUS070101-3199.

Staff Recommendation

Staff recommends approval of the Mills Pond Offsite Mitigation - Construction Observation – Miller Legg and Associates, Inc. Task Order No. 6 in the amount of \$79,215.

Dylan Larson, Miller Legg and Associates, explained that the construction observation

would include ensuring there were no environmental violations during the work and that they executed the contract per the specifications in the bid documents. When construction is completed, they will monitor the work for two years, which is required by the permits.

Motion made by Ms. Iversen, seconded by Mr. Carlson, to approve the staff recommendation. In a voice vote, motion passed unanimously.

Board members and attendees introduced themselves and Chair Brenneman welcomed Anthony Lederman, Acting Air Traffic Control Tower Manager. Ms. Bennett stated Mr. Lederman had been very helpful with the Airport's Safety Expo planned for April 14th.

4. Mills Pond Park Offsite Mitigation - Bid 722-10935 - Contract Award - DGC Environmental Services, Inc.

Mr. Blanco announced that on January 27, 2012, the City released an Invitation to Bid for qualified firms to provide maintenance and planting activities at Mills Pond Park in the Mills Pond Park Mitigation Area. He stated the area totaled approximately 11.0 acres and contained areas identified with both Natural Resource Area (NRA) and wetlands. Mr. Blanco said the nuisance and exotic vegetation removal and planting to be performed under this contract would allow the City to comply with County requirements. The contract would be for two initial years plus two optional years of on-going maintenance.

Mr. Blanco said the bids had been opened on February 9, 2012 with seven bid submissions. The successful low bidder was DGC Environmental Services, Inc., of Fort Pierce, FL. The initial two-year contract cost was \$177,387.20. An optional third-year contract cost was \$9,781.88 and an optional fourth year contract cost was \$4,555.92.

Staff Recommendation

Staff recommends entering into a contract with DGC Environmental Services, Inc., of Fort Pierce, FL for an initial two-year term totaling \$177,387.20, plus two optional years of on-going maintenance, for exotic plant removal and habitat restoration at Mills Pond Park Mitigation Area.

Mr. Blanco stated the ongoing contract was to ensure that the exotics did not grow back. Mr. Larson said the permits required five years of maintenance and monitoring to prevent the exotics from returning.

Ms. Bennett indicated the area involved on an aerial photograph.

Motion made by Ms. Iversen, seconded by Ms. Kaht, to approve the staff recommendation. In a voice vote, motion passed unanimously.

5. Federal Aviation Administration Grant Application for Taxiway Echo Pavement Rehabilitation - Project 11750

Mr. Blanco stated, based on the recommendations in the Pavement Management Program, the PCI values for Taxiway Echo east of Runway 13-31 ranged from 44-poor to 100-good. The PCI values for Taxiway Echo west of Runway 13-31 ranged from 21-serious to 100-good. The taxiway connectors had PCI values that ranged from 19-serious to 81-satisfactory. Mr. Blanco said the Pavement Management Program recommended major rehabilitation, including base reconstruction, for pavements with PCI's between 10 and 30.

Mr. Blanco added that the connectors at Taxiways Echo, Hotel, and Quebec were not wide enough to meet current FAA standards for D-III aircraft and would require widening and relocation of taxiway edge lights and signs. He indicated the areas on an aerial photograph.

The Federal Aviation Administration has agreed to provide a grant for the design of this project for 90% reimbursement of eligible design costs in an amount not to exceed \$315,000.

Staff Recommendation

Staff recommends that the City applies for, and accepts, a Grant Application from the Federal Aviation Administration for a maximum of \$315,000 or 90% of the total cost for design of the Taxiway Echo project, and that the City execute the grant when offered.

Mr. Blanco explained to Mr. Volchek how they would probably re-route plans during construction. He described the PCI evaluation system to the Board.

Ms. Iversen recommended a grammatical change, from the language, "...the City applies for and accepts..." to "the City apply for and accept..."

Motion made by Mr. Volchek, seconded by Ms. Iversen, to approve the staff recommendation as amended by Ms. Iversen. In a voice vote, motion passed unanimously.

6. Joint Participation Agreement with Florida Department of Transportation for Construction of a New U.S. Customs & Border Protection Facility - Project 11242

Mr. Cervasio showed a rendering of the project and explained that the building would completely replace the existing building. It was being designed to be LEED Silver Certified. The preliminary construction estimate for this facility was approximately \$4,887,950.

Mr. Cervasio said the Florida Department of Transportation (FDOT) had initiated a multi-year program to provide funding for the construction of the above facility for up to 80% of eligible costs associated with the project. The FDOT had provided a JPA in the amount of \$2,744,000 for this fiscal year and an additional JPA in the amount of \$885,000 for the upcoming Fiscal Year 2013.

Mr. Cervasio stated the City had also entered into a JPA with FDOT in 2010 in the amount of \$2,527,500 to accept their assistance with the Taxiways Charlie/Delta rehabilitation project. This amount was based on the estimated project cost at the time, which was just over \$3 million. Bids had been received in November of 2011 and the contract had been awarded the low bidder, Hardrives, Inc. Mr. Cervasio said Hardrives bid was considerably below the estimate at \$1,471,783.80. Staff was now working with the FDOT to use \$281,360 of the excess funding in the Charlie/Delta grant for the CBP Building project in Fiscal Year 2014 in order to complete the funding program. If this option was not viable, there was funding available within the Airport's Capital Improvement Plan for the remaining balance.

Staff Recommendation

The staff recommends the Joint Participation Agreement be approved for the City to apply for and accept \$2,744,000 in grant funding from the Florida Department of Transportation for the construction of the U.S. Customs & Border Protection Facility, Project 11242.

Motion made by Ms. Iversen, seconded by Mr. Dial, to approve the staff recommendation. In a voice vote, motion passed unanimously.

7. Parcel 26 - School Board of Broward County - Lease Rental Reconciliation

Ms. Bennett informed the Board that until December 31, 2010, the School Board of Broward County (School Board) had leased Parcel 26 for the use of Lockhart Stadium for scholastic activities and other events. This lease had expired on September 30, 1998 and the School Board had exercised the option to extend for an additional 10 years to September 30, 2008. There had been three subsequent extensions to the agreement while the City worked to negotiate a redevelopment plan with a water park developer.

Ms. Bennett stated on November 10, 2011, the School Board had notified the City that they were ceasing all operations at the stadium. She explained that the rent to the for the parcel was based on 5% of the gross receipts for the first \$600,000 received by the School Board for each year of the Lease Agreement and 10% of gross receipts in excess of \$600,000.

Ms. Bennett stated as part of the transition of the facility from the School Board to the Airport operation, staff had initiated a review of the lease payments made by the School Board and found that for the period from FY 2004-2005 to June 30, 2011, the School

Board did not escalate the percent of gross receipts from 5% to 10%, resulting in an underpayment of \$92,740.96. The School Board had indicated it could not pay the entire amount and offered to repay 50% of the total due. The City Manager's Office agreed this was an amicable resolution.

Staff Recommendation

We recommend that the City of Fort Lauderdale accept the offer by the School Board of Broward County to repay \$46,370.48 of back rent for the Lease of Parcel 26 at the Executive Airport.

Motion made by Ms. Kaht, seconded by Mr. Dial, to approve the staff recommendation. In a voice vote, motion passed unanimously.

8. Noise Monitoring Terminal & Installation – Bid Selection - 723-10937 - Recommend the selection of Brüel & Kjær EMS Inc.

Ms. Straugh said after site testing determined this to be an acceptable site, the Airport solicited a competitive bid for the installation of a new, permanent Noise Monitoring Terminal (NMT) in the Twin Lakes North neighborhood located southeast of the Airport and immediately next to a City-owned Lift Station with existing equipment.

Staff Recommendation

Staff recommends the bid #723-10937 selection of Brüel & Kjær EMS Inc. for the Noise Monitoring Terminal, for the cost of \$45,407, pending Procurement, City Attorney, and Commission approval.

Ms. Straugh pointed out the locations of the monitors on an aerial photo.

Motion made by Ms. Kaht, seconded by Mr. Stella, to approve the staff recommendation. In a voice vote, motion passed unanimously.

UPDATE ITEMS

A. Noise Compatibility Program

Legislative Update

Ms. Straugh reported that both the U.S. House and Senate had passed and the President had signed the FAA Reauthorization Bill. Ms. Straugh stated the legislation contained a specific provision in Section 506, titled, "Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with Stage 3 noise levels", which will ban Stage 1 & 2 jet aircraft after December 31, 2015, within the 48 contiguous states.

A hard copy of Section 506 provision was provided.

Chair Brenneman recommended contacting the Public Information Office about this significant event.

Nighttime and I-95 Turn

For January 2012, there were no jets over 80 dB at night between 10:00 p.m. and 7:00 a.m.

For January 2012, thirty-one (31) jets flew the I-95 Turn at night, between 11:00 p.m. and 7:00 a.m., and one (1) was a stage-two aircraft.

B. Development and Construction

Airport Projects in Development

Taxiways C & D Pavement Rehabilitation Project # 10882

Mr. James stated a pre-construction meeting had been held with the contractor, Hardrives, Inc. of Delray, FL. He explained that the purpose of this project was to rehabilitate Taxiways Charlie and Delta pavement, construct three taxiway connectors and replace existing airfield lighting. He pointed out the area of the project on an aerial photograph and explained how tenants would be able to operate during construction. He anticipated the project would take six to seven months.

C. Arrearages

Rent

Ms. Bennett reported the following arrearages for the months of October, November, December 2011, and January 2012:
K.S.R. LLC, Parcel 8G

Ms. Bennett stated K.S.R. was continuing to struggle and had the building on the market. Staff hoped to bring a lease amendment request to the Board in March that would give K.S.R. additional time in return for increases in the rent in the future, which might make the property more marketable.

For the month of December 2011 and January 2012:

World Jet, Inc., Parcel 8CE

World Jet, Inc., Parcel 10

World Jet, Inc., Parcel 11A, B, C aka Lots 50, 51

Ms. Bennett stated they had spoken with Mr. Whittington at World Jet about correcting this.

For the month of January 2012:
Personal Jet, Parcel 18

Fuel Flowage

Ms. Bennett reported the following fuel flowage arrearages for the month of December 2011 and January 2012:

World Jet Inc., Parcel 11A, B, C aka Lots 50, 51

D. Communications to the City Commission

None.

E. FLL Update

Ms. Straugh stated the groundbreaking for the new runway extension at FLL had taken place. There would be an Airport Noise Abatement Committee meeting on March 12, 2012.

Other Items and Information

[This item was discussed out of order]

Mr. Helyer stated he was speaking as a private resident of Oakland Park, not as a representative of the entire city of Oakland Park or of the Oakland Park City Commission. He informed the Board of an LED billboard project that was pending in Oakland Park. He pointed out the proposed location on an aerial photograph and said he was concerned about the size of the billboard, the light pollution in the neighborhood and the fact that it might interfere with vehicular traffic on I-95 and air traffic at the Airport. Mr. Helyer said the applicant, CBS Outdoors Inc., was making a presentation to the neighbors that evening at 7 PM at the Collins Community Center, 3900 Northeast 3 Avenue.

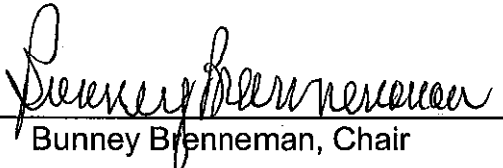
Mr. Cervasio said Ms. Straugh had contacted FDOT, and they were investigating. They had also spoken with Pablo Auffant at the FAA Airports District Office and he had agreed to send information to the FAA for review.

Mr. Helyer pointed out that the city's billboard regulations did not address the new LED technology and the owner thought this was a loophole that could be exploited to allow the project to move forward. Chair Brenneman stated the City's newly annexed Twin Lakes neighborhood could be affected, and Fort Lauderdale's ordinances might be used to address this.

Mr. Helyer said until the presentation that evening, he was unsure exactly what was planned, and stated Oakland Park would appreciate support from the City of Fort Lauderdale once it was determined exactly what was planned. Mr. Volchek said they must have a definite basis for declaring opposition to the proposal. Ms. Bennett said this was why they were providing the information to the FAA and FDOT, to determine if there would be a true impact.

There being no further business before the Board, the meeting adjourned at 3:06 p.m.

➤ Next scheduled meeting date: Thursday – March 22, 2012 – 1:30 PM


Bunney Benneman, Chair

PLEASE NOTE:

If any persons decide to appeal any decision made with respect to any matter considered at this public meeting or hearing, he/she will need a record of the proceedings and, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.