

**FORT LAUDERDALE CITY COMMISSION CONFERENCE MEETING**  
**MARCH 15, 2011**

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**CITY COMMISSION CONFERENCE MEETING**

**1:30-P.M.**

**March 15, 2011**

Present: Mayor John P. "Jack" Seiler  
Vice Mayor Romney Rogers, Commissioners Bruce G. Roberts,  
Charlotte E. Rodstrom, and Bobby B. DuBose

Also Present: Acting City Manager Allyson C. Love  
City Auditor John Herbst  
City Clerk Jonda K. Joseph  
City Attorney Harry A. Stewart  
Sergeant At Arms Sergeant Frank Sousa

**EXECUTIVE CLOSED DOOR SESSION WAS HELD AT 1:32 P.M.**

**The City Commission shall meet privately pursuant to Florida Statutes 447.605, regarding the following:**

**Collective Bargaining**

**CLOSED DOOR SESSION ENDED AT 1:35 P.M.**

Note: The City Commission reconvened at 1:39 p.m. and addressed City Commission Reports.

**City Commission Reports**

City Manager Recruitment; City Manager Search Committee Meetings and City Commission Meetings of April 5, 2011 and April 19, 2011

Mayor Seiler announced the City April 5 conference meeting will be held in the 1<sup>st</sup> floor chambers so that the committee may use the 8<sup>th</sup> floor conference for their meeting and so it can be video-taped. As to a date for the Commission to interview candidates, both Commissioners Rodstrom and Roberts preferred April 20.

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**I-A – Riverwalk District Plan**

Jenni Morejon, Planning and Zoning Department, introduced the City's consultant team from Beyer Blinder Belle, and outlined their eight years of experience developing master plans for the City's downtown area.

Neil Kittredge of Beyer Blinder Belle, noted that there has been a collaborative effort amongst the stakeholders, City staff, and Beyer Blinder Belle. He went on to review slides concerning this matter. A copy of the slides is attached to these minutes. He outlined potential uses in the four framework components of River Ferry, River Plaza, River Crossroad and River Connections including temporary short-term uses of vacant areas. He suggested the concrete walls of the Andrews Avenue bridge to glass would be helpful because the existing structure feels unsafe. Such a modification would help connectivity of both sides of the river. He also suggested use of iconic furniture throughout the district that would change the image. Ms. Morejon went on to complete the slides review concerning implementation and information in Commission Agenda

**City Hall, 100 North Andrews Avenue, 8<sup>th</sup> Floor Conference Room and 1<sup>st</sup> Floor Chambers**

Report 10-1837. With Commission support and initiation of items noted in the commission agenda report, staff and the working group anticipate returning to the Commission in about nine months with a recommended management strategy, update on the additional action items listed in the commission agenda report and the budget impact of each recommendation. A copy of Exhibit 1 to the commission agenda report is attached to these minutes.

Mayor Seiler opened the floor for public comment.

Denny O'Shea, Chair of Downtown Development Authority (DDA), noted the DDA's financial contribution toward the study and their recommendation that the City appoint a project manager. Beyond the action plan, it must be determined how the City will underwrite this.

Chris Wren, Executive Director of Downtown Development Authority, expressed support of the plan, but some editing is necessary moving forward. He wanted the City to be in the lead with agencies working alongside.. He noted that some time is needed to bring back specific implementation methods.

Mike Weymouth, member of Downtown Development Authority, expressed support of the plan.

Mark Budwig, Chair of Riverwalk Trust, pointed out that their three-year goal is to have riverwalk activities 24/7. Currently, there are activities two days a week. He expressed support of the plan and urged the Commission to move forward.

Genia Ellis of the Riverwalk Trust, expressed support of the plan, and urged the Commission to approve it.

There was no one else wishing to speak.

Vice Mayor Rogers agreed with staff's recommendation for a project manager. In response to Commissioner Rodstrom, Wayne Jessup, Deputy Director of Planning and Zoning, indicated staff believes there needs to be an employee dedicated to this project. Commissioner Roberts indicated that he would support reallocating a vacant position to establish a temporary, separate staff position. Commissioner Rodstrom wanted to assign a staff member familiar with the project, until a full-time candidate is selected. Commissioner DuBose thought until a clearer picture of the skill sets is solidified, a temporary would be more appropriate. Ms. Morejon clarified that the current position is temporary for short-term tasks, but, ultimately a full-time Riverwalk Coordinator will be needed. The temporary position may or may not be full-time. Although he expressed some reluctance about plans in general, Commissioner DuBose was very impressed that some parts of it have already been activated. This is a good model of how not to run the risk of being on the shelf. Mayor Seiler also wanted to assign an existing staff member in the temporary position. He asked the Acting City Manager to work through the request.

Mayor Seiler was concerned that the total \$5.5 million cost of physical improvements as reflected in Exhibit 2 of Commission Agenda report 10-1837, is misleading because it appears to be a sum total, although it appears more than half of the costs are marked TBD (To Be Determined). Ms. Morejon advised that the consultant had a cost estimator as part of their team. They looked at approximately 12 key infrastructure-based projects

and developed cost estimates for them.. These projects will be included in the five-year CIP (Capital Improvement Plan) sooner than the others. The majority of other TBD items are event-related so further analysis is needed. Mayor Seiler wanted to be certain that the actual short-term and long-term costs are clearly delineated.. Concerning the ferry, he suggested a simplified open concept. He thought some of the plan's capital improvements have promise, but others may not be worth the expense. Once a person is assigned, he wanted to see short-term, mid-term goals. Vice Mayor Rogers wanted this to be brought back with recommendations on the capital improvements during the budget period. He believed that Riverwalk will not flourish, unless it is connected. Commissioner Roberts supported the safety ideas like changes to the bridge as well as editing to open vistas to the river. Commissioner DuBose asked about references to government funding and grants (\$500,000) in the plan's operating budget. Ms. Morejon explained that the marketing consultant took a snapshot perhaps five or ten years in the future and estimated a budget. The goal is for the district to be self-sustained with programs, memberships, and grant revenue. The estimated government contribution is based on what is already in the general fund and spent in this district. such as police presence, maintenance and operation. It is not new and separate funding. She indicated that there will be a significant level of effort with respect to pursuit of grants. Commissioner DuBose thought the funding is too loose. Ms. Morejon indicated that a review of the budget is necessary. Mr. Kittredge explained that the numbers are hypothetical; the next phase will focus on (specifics). He noted that they believe the economic benefits of the plan outcomes will be significant and one next step is an economic impact projection.

Vice Mayor Rogers wanted to know how the City will get Broward County involved because they own; the two bridges. Also, he asked about involving the Tourist Development Council. He thought the income and expense portion of the operating budget was well developed; but the governmental funding should be reviewed.

Commissioner Rodstrom suggested that items requiring amendments to the ULDR (Unified Land Development Regulations) be brought forward first because they require more time.

### **I-B – Alternative Methodologies for Disinfection – Fiveash Water Treatment Plant**

Gary Bors of Hazen and Sawyer, reviewed slides concerning this matter. A copy of the slides is attached to these minutes. Mr. Bors provided the following answers in response to questions raised by members of the Commission. Discussion followed on the evacuation radius in the case of spillage of liquid sodium hypochlorite and hydrogen gas by-product from on-site hypochlorite generation. Mayor Seiler asked if the City could transport the material from one site to another. Mr. Bors explained it is so dilute that there would need to be fifteen truckloads versus one. In response to Vice Mayor Rogers, Mr. Bors explained that chlorine costs are relatively low; it is a matter of the risk. Some discussion followed about incidents in Palm Beach County and the City of Boca Raton and work done in Miami-Dade County. Mr. Bors confirmed that improvements made in Miami-Dade County could be incorporated into the City's project. Hazen and Sawyer would like to get experience data from the Miami-Dade project over the next 3-5 years. He also went on to share other breaks that occurred in Arizona and Boynton Beach-Delray Beach.

Mr. Carbon responded to Mayor Seiler's questions about the City expenditures to date on consulting services for the design including the emergency generator. The design

plans address the older, larger permitted capacity and will need to be revised. Mr. Bors explained the plans were advanced to a point where it could be bid to two equipment manufacturers. Mayor Seiler questioned why the City, as the recipient of services, created drawings for two different manufacturers, knowing that one of two will not be accepted. Mr. Carbon indicated this is only about one component, onsite chlorine generation. The tanks and metering pumps, for example are common to both facilities. Mr. Bors explained that the equipment from each manufacturer has a slightly different foot print, but, the building design is the same for both cases. However, the City's water demand has lessened which has allowed downsizing from a two-story to a one-story building which is the equivalent of about \$2 million capital cost. The one-story building will hold equipment from either manufacturer. In further response, Mr. Carbon indicated that, in 2008, the prior commission approved the creation of designs for both manufacturers. The design has not yet occurred because a decision as to onsite chlorination or bulk has been under evaluation. The recommendation is to utilize a two-phase program that, first, uses a bulk system with the footprint available for any On-site Hypochlorite Generation (OSHG) manufacturer to install their equipment and utilize the City's tanks and pumping system to manufacture the chlorine. Mayor Seiler thought the City should follow-through with OSHG so the funds already spent on it are not wasted. He questioned why there is still a debate about the two options based on the prior commission's actions. Mr. Carbon advised in that case it would mean an expenditure of some \$4.7 million that they believe is unnecessary at this point. Mr. Bors clarified for Commissioner Rodstrom that the manufacturer would not be responsible for the building design. Vice Mayor Rogers asked how much it will cost for the redesign. Mr. Bors explained that most of the original design was re-used for the power generation. Patrick Davis of Hazen and Sawyer, clarified that there is a single design with effort made to ensure that two different manufacturers could fit within that design. This allows more than one bidder which drives the cost down. In response to Mayor Seiler, Mr. Bors explained that the City paid Hazen and Sawyer approximately \$80,000 for writing the specifications for bidding by two manufacturers. Mr. Davis added this assured two competitors instead of a single entity that could set their own price. It resulted in extremely low bid responses.

Commissioner Roberts noted that there is a discrepancy in the backup (Cost Summary slide) as to the 20-year cost of \$0.77 lb. CL2 (chlorine) versus \$0.84 lb. CL2 (chlorine).

In response to Vice Mayor Rogers, Mr. Carbon advised that the water rate study used the current cost to produce chlorine and he did not know the impact of these two approaches but there will be an impact in operation and capital cost. The per pound costs noted (Cost Summary slide) represent the total cost to put it into the water system.

Mayor Seiler opened the floor for public comment.

John Latona, representing Carter & VerPlanck, Inc., noted his support of an OSHG approach. He believed it will benefit the City in terms of safety and cost. The Carter & Verplanck bid was \$1 million lower than Siemens. It was set aside and no re-bidding occurred. OSHA has been deemed as the best solution by the City and the consultants for years and in the presentation today. The Carter & VerPlanck can provide OSHG for the same cost as bulk.

Saade Chibani, Carter & VerPlanck, Inc. and ClorTec, advised that he has been involved in this project since early 2000. He elaborated upon their experience in OSHG installations and how they have addressed problems. He noted his involvement with the

Palm Beach facility. If the safety issues had not been addressed, Miami would not be proceeding with the largest system in the United States. He referred to OSHG slide (page 7) and pointed out that the portion that could provide the City return on investment to the extent of \$400,000 to \$500,000 per year is being deferred. Mr. Chibani responded to questions raised by Vice Mayor Rogers, Mayor Seiler, and Commissioner DuBose, as follows. He indicated that his firm made the Palm Beach installation. He advised that the incident in Boca Raton was human error. The first incident in Palm Beach was human error, but the last incident is somewhat of a mystery. There have not been any safety incidents in (OSHG) models built after 2005. Their oldest facility in the United States is fourteen years old. Carter & Verplanck has built (OSHG) facilities of similar size for less than the proposed \$6 million proposed for the City. Some of the dead assets would have to be deferred because they are not required and would not impact quality. He noted his disagreement for some time with the per pound costs and his most recent communication to staff in his letter, dated January 14, 2011 (Exhibit 2 of the Commission Agenda Report).

Commissioner Roberts was uncomfortable making a decision because the discrepancies noted by Mr. Chibani have not been reconciled by staff. He noted that Hazen and Sawyer recommended OSHG in 2005. There are a lot of such facilities in operation. Mr. Chibani noted the 2007 bid was present work based on operational numbers only. Using that bid form and the recent numbers, there is a \$9.5 million discrepancy. Mr. Carbon noted that Hazen and Sawyer addressed Mr. Chibani's claim of discrepancies. As to the difference between 2007 and now, the plant is 25 percent less.

Miguel Arroyo, Water and Wastewater Treatment Manager, stressed that the safety of his staff and the public is a top priority. Based on their use of bulk for the past three years at the Peele-Dixie Water Treatment Plant, staff believes it is the best option. The bulk process is simple and safe. He elaborated upon the dangerous consequences of an incident (with OSHG). Commissioner Roberts thought that OSHG is the safest because there is no radius for evacuation. He wanted more time to make this decision. Mr. Arroyo noted his 15 years of experience in the nuclear industry. He expressed concern about the dangers of hydrogen gas which is a byproduct of OSHG. Vice Mayor Rogers referred to the claim of one percent failure rate of 3000 (OSHG installations). Mr. Arroyo expressed the view that is a large number. These issues do not exist with bulk. He elaborated upon bulk's cost including the avoidance of electricity cost and safety benefits.

In response to Mayor Seiler, Mr. Arroyo noted that he has served in in this position since 2002. In the time frame of 2005-2006, he recommended the City move away from the OSHG design. ; Mayor Seiler was satisfied with the City's water quality and its delivery, but questioned if the City has proceeded historically in the most cost efficient manner with respect to deciding upon a course of action. Mr. Carbon reviewed the history on this topic. When the City's ability to expand Fiveash was restricted because of South Florida Water Management District's regional water availability rule in 2007-2008. The City opposed that rule. With its passage, the whole dynamics of what was needed at Fiveash was changed. The City delayed proceeding in 2007 because it would have 25 percent more capacity than ever needed and consequently less need for chlorine production. The Million Gallons per Day (MGD) is projected to be sufficient for ten years instead of the original five year period. The City has already saved a lot of money by not proceeding with OSHG. Bulk is less expensive. The recommendation is to invest \$5.5 million instead of \$10 million, get a bulk rate and wait. If OSHG proves to be the best route, the City will be ready. Mayor Seiler inquired if staff has addressed Mr. Chibani's

less costly proposal. Mr. Carbon confirmed that staff has communicated with Mr. Chibani and bulk representatives. He elaborated upon staff's experience, licenses and skills in operating a bulk facility. In response to Commissioner Rodstrom, Mr. Carbon recalled that, in 2007, staff felt that Carter & VerPlanck and ClorTec's bid (ClorTec – manufacturer) was found to be non-responsive because of the number of exceptions they took to the bid documents. In November, 2007, the (former) commission rejected the bids. Kirk Buffington, Director of Procurement Services, believed the recommendation at the time was to award to Siemens and added that staff was subsequently directed not to re-bid because of the incident in Palm Beach County had just occurred. Mr. Carbon provided more history, noting the Commission's consensus in January, 2008, to utilize the standard process of design, bid and build an (OSHG) facility. In 2009, the recommendation to move forward with other options like bulk was made. In December, 2010, staff provided Memorandum 10-220 (Exhibit 1 of the Commission Agenda Report). In response to Mayor Seiler, he clarified that Hazen and Sawyer was the City's consultant in 2007. In response to Commissioner Rodstrom, Mr. Bors explained that in 2009 as part of the end of the original design effort and the facility downsizing, Hazen and Sawyer was asked to respond as to a new facility. Mr. Carbon clarified direction given in December of 2009. At that time staff advised that the timing might not be ideal for the purchase and operation of OSHG (Commission Agenda Report 09-0966). Staff returned a year later with an informational memorandum included in the backup. In response to Commissioner Rodstrom, Mr. Carbon explained the option that the Commission directed staff to go forward with in 2009 is being presented today. Vice Mayor Rogers asked about the amount of the low bid in 2007. Mr. Chibani advised that Carter & VerPlanck's bid was \$2.78 million and he thought the Siemens' bid was approximately \$3.8 million. Mr. Carbon offered clarification for Vice Mayor Rogers concerning the cost has increase to \$5.4 million, despite the downsizing of the facility. The amount just quoted by Mr. Chibani is outside the dotted yellow lines on the OSHG slide (page 7). Mr. Davis noted that Mr. Chibani's price is only for the equipment, but there is also installation, the building, piping and electrical systems. The storage component is 25 percent less than 2007 - \$1.8 million. Mr. Bors indicated that in 2007, the entire OSHG facility cost estimate was approximately \$12 million. Because of the downsizing, the current total cost estimate is approximately \$9.85 million. The current recommendation is to spend this amount in two steps; first install bulk, then OSHG after five years and the City has the benefit of knowing about operation of the Miami Dade facility. In response to Mayor Seiler, he explained why phasing of the OSHG system was not an option for Miami Dade. Miami Dade design also includes their ability to utilize bulk if necessary.

Mayor Seiler asked about taking advantage of lower construction prices in today's economy. Mr. Carbon indicated if this project can be deferred longer, more critical projects in the Capital Improvement Plan could be moved forward. Mr. Carbon clarified for Vice Mayor Rogers that Option 3 cost of \$9.85 million is to build now whereas Option 2 cost of \$10.6 million is to build in phases and includes inflation. He also responded to Mayor Seiler's question about what other water projects that could be funded earlier with this deferral. Discussion turned to the financing.

Mayor Seiler returned to public comment.

Carlos Fernandez, Allied Universal Corporation, advised that Allied sells chlorine to the City and is the largest manufacturer in the state of sodium hypochlorite. When the government instituted a prohibition of transporting chlorine by rail, Allied built the largest onsite generation plant in the United States. He emphasized the skills needed for such

an operation and that there will always be human error. If there is any failure of the City's operation, they will still need service from Allied and storage tanks for the bleach and a special type of salt. He offered additional facts on the use and market place price fluctuations of chlorine. He did not think a final decision has been reached in Miami Dade. In response to Vice Mayor Rogers, he indicated he would not recommend chlorine for any city. Spillage of hypochlorite is not dangerous.

Bernie Greenberg, Allied Universal Corporation, commented that he visits plants throughout the state. Some have built onsite generation plants. They buy as much sodium hypochlorite as they did before they built onsite generation plants because of repairs, maintenance and accidents. The safest, simplest and least expensive approach is sodium hypochlorite.

There was no one else wishing to speak.

Mr. Arroyo responded to Vice Mayor Rogers' question about the plant's chemical use at present. Mr. Carbon clarified that it is not possible to convert to another chemical without the capital cost.

Mayor Seiler was inclined to look at onsite generation because it is simpler. Mr. Arroyo clarified that it is not simpler from a technical point of view. Mayor Seiler questioned delaying it if this is the best time to do construction is now. He did not understand Hazen and Sawyer recommending deferral to see how Miami Dade works over time when Hazen and Sawyer was the consultant for Miami Dade. Mr. Arroyo reiterated that the professional staff that lives with the operation day to day recommends two phases. In response to Commissioner Rodstrom, Mr. Carbon indicated that the \$5.9 million investment in Phase 1 would not be lost if another approach is ultimately decided upon; the improvements would be used for the hypochlorite. In response to Mayor Seiler, Mr. Carbon indicated that he has never been presented with the comment made today about a dead asset (OSHG Slide – page 7). Commissioner DuBose asked if the Phase 2 recommendation to wait and see has to do primarily with safety. Rick Johnson, Regional Water Facilities Manager, indicated that there is not enough staff or training to go into the chemical manufacturing business. Mr. Arroyo indicated if training and additional staffing was put into place, there would still be a concern because the staff operates water plants, not chemical plants. In speaking with operators, Mr. Johnson indicated the feedback is not the same as one would hear from higher levels; the operators would prefer not to manufacture it. Mayor Seiler felt if safety is the same, he will look at cost.

In response to Commissioner Rodstrom, Mr. Latona advised in Miami Dade the contractor is operating and maintaining the system until the staff learns how. He felt Carter & VerPlanck has already addressed the issue of safety. They are prepared to demonstrate that the entire scope can be done for the \$5.9 million and staff's number are out of line. Mr. Chibani indicated that some of the dead assets would need to be deferred. Mr. Latona advised that Carter & VerPlanck would need to participate in the design. Mayor Seiler pointed out that even if some assets are deferred, the cost would still be incurred sometime in the future. Mr. Chibani indicated that some things may not ever be necessary. Perhaps the building is not needed. He noted other facilities in Florida that have outdoor facilities. He confirmed for Commissioner DuBose that the total Phase 3 cost would be less than \$6 million.

In response to Mayor Seiler, the City Attorney advised because all bids were previously rejected, it would have to be rebid. Mayor Seiler was concerned why the topic was not

addressed for four years. He was interested in receiving letters from interested firms, outlining their approach. In response to Mayor Seiler, Mr. Davis advised that Hazen and Sawyer was not in the role of recommending a process for Miami. Hazen and Sawyer is the construction manager and finished the design started and recommended by others. It almost always boils down to what the operational staff wants; their comfort level. The cost is almost always even. He recounted the history again and emphasized that Miami Dade is the first plant built after all of the safety improvements, but it is not online yet. If safety is the same, Mayor Seiler wanted to get the entire scope completed now for \$5.9 million and save money. Mr. Davis emphasized there is no magic to one company. In order for the price to be reduced, something is being removed. The estimates provided to the Commission are a result of working with the operators for a long period of time to determine the exact specifications. Mayor Seiler wanted to receive proposal letters to determine if there is any cost saving design alternatives that could be achieved. The City would rely upon Hazen and Sawyer to advise on whether an alternative submitted could be a savings. He asked that staff request such letters from the industry. There was consensus that the matter would come back to the Commission by the second meeting in April. Mayor Seiler also requested the name of a contact in Miami to discuss their project.

#### **I-F – Construction of Bypass Road – Port Everglades to Eisenhower Boulevard**

Broward County Vice Mayor John Rodstrom noted after September 11, more security measures were taken at the port. In the development of regional impact (DRI) process for a hotel to compliment the convention center, the County was requested to provide an alternative road to Eisenhower Boulevard. The security check points can be moved further south to allow access without going through security for the port. Therefore, the County would like to forego constructing the (bypass) road. Businesses along 17<sup>th</sup> Street Causeway are not entirely happy about a bypass moving traffic away from 17<sup>th</sup> Street Causeway. The funding of \$20 million was be shared equally between the Tourist Development Tax and the Port. The Port's half could be devoted to its many pressing projects. The Tourist Development Council (TDC) Coordinator, Nikki Grossman, President, Greater Fort Lauderdale Convention and Visitor's Bureau, has indicated agreement with expending \$10 million to promote tourism in Fort Lauderdale.

Nicki Grossman, President, Greater Fort Lauderdale Convention and Visitor's Bureau, explained some of the challenges associated with the DRI project and history of how the bypass idea originated. Businesses on 17<sup>th</sup> Street Causeway do not want traffic reduced and in fact want more. The plan has been revised so that people can go to the convention center without going through security and without constructing phase two of the bypass road. The Port would pay for phase one construction of the bypass in the range of \$6-7 million. Vice Mayor Rodstrom has suggested the tourist development tax funding of \$10 million be used toward a historic facility in the City. Ms. Grossman provided statistics on reservations in 2005 and the extent of business lost in 2011 and anticipated in 2012 because of the state of the convention facility. Such funding for this enhancement in Fort Lauderdale could be recommended to the Broward County Commission if there is no problem with substantial compliance with the DRI. There are outstanding issues that would need to be addressed but ultimately this solution would bring money into the area.

Phillip Allen, Port Director, Port Everglades Department of Broward County, outlined the original bypass road concept estimated at \$30 million. He indicated in addition to funding from the Port and Tourist Development taxes, there is Transportation Regional Incentive

Program (TRIP) grant that will be available next year. Phase one of the bypass road allows the security checkpoints to be moved. He referred to a recent Sun Sentinel news article indicating that port access from 17<sup>th</sup> Street Causeway was going to be closed. He clarified that is incorrect.

In response to Mayor Seiler, Mr. Allen advised that the Port has had a successful building permit application with the City for several years relating to expansion of Terminal 4 that would include converting parking areas and using existing non-allocated parking spaces in the convention center. He noted another terminal expansion project the Port anticipates to accommodate larger cruise ships.

Discussion ensued as to traffic flow. Molly Hughes, AICP, Hughes Hughes, Inc. Broward County consultant, indicated that additional improvements at 17<sup>th</sup> Street Causeway and Eisenhower Boulevard would be needed. Once access to the convention center is opened, it will be possible to make improvements to this intersection. In response to Mayor Seiler, Ms. Hughes advised that this has been discussed with City staff and they understand how the intersection could be improved. With regard to right turns onto 17<sup>th</sup> Street Causeway from U.S. 1, Vice Mayor Rogers asked if there would be any obstacle by Florida Department of Transportation (FDOT) to marking a right-turn lane at that point. Ms. Hughes indicated that FDOT believes there are no other changes to that area that would improve traffic flow. However, if the City took a special interest in it, she thought there would be a willingness on the part of the County to look at it again and was optimistic. Discussion turned to maximum capacity data required by the DRI. Ms. Hughes indicated information was provided years ago and a different type of analysis would be forthcoming soon. In response to Mayor Seiler, Ms. Hughes indicated a study is being prepared by the County at the City's request concerning continuing the bypass east versus coming through 17<sup>th</sup> Street Causeway and not reaching the intersection of Eisenhower and 17<sup>th</sup> Street.

Ms. Hughes believed there are other less expensive options available besides the bypass road. However, she noted when the County started to pursue a hotel and met with City staff in 2006, the planning director directed that a bypass road be provided. Mr. Allen advised that there are two bridge structures that would have to be built as well as relocation of petroleum lines, which drives up the cost.

Scott Backman, Broward County legal counsel on this matter, noted the DRI will expire at the end of 2011. There are about six issues that need to be sorted out. If an extension to the DRI is granted, there will be some additional time. Nevertheless, there are significant entitlements within the DRI related to primarily the hotel and some other uses that are vital to preserve. He confirmed for City Commissioner Rodstrom that a change in the bypass or not constructing it whatsoever does not prohibit the County from building a hotel in the future and searching for roadway funding at that time.

Mayor Seiler asked about use of the funds for the Aquatic Complex or the Performing Arts Center. Vice Mayor Rodstrom suggested the \$10 million be devoted to the Aquatic Complex. Further, he referred to the \$1 million annual pledge for the Baltimore Orioles, and because the Orioles are no longer here, that funding could be diverted. It is a separate issue. Ms. Grossman confirmed for Mayor Seiler that the City would not be prohibited from deciding to dedicate, for example, \$8 million for the Aquatic Complex and \$2 million for the Performing Arts Center but the ultimate decision would be made by the Broward County Commission because the County earmarked the funds from Tourist Development Tax revenue.

Because a traffic study was required in the DRI for the hotel, Vice Mayor Rogers wanted to first see that study. Vice Mayor Rodstrom pointed out the timing issue with the DRI expiring, the building permit for the Port improvement and that the issues need to be resolved before the County can proceed with the hotel RFP. In response to Commissioner DuBose, the City Attorney explained that the County is having difficulty getting the two-year extension because the statute that provides for an extension requires the County to be in compliance with the DRI which is not the case. There may be a way to get the extension but it will take some review and perhaps a notice of proposed change on the part of the County. Ms. Grossman indicated the bottom line is resolving the substantial deviation designation.

Mayor Seiler referred to Vice Mayor Rogers' request and wanted to direct staff to determine if it is necessary and then decide on use of the funds. Commissioner Rodstrom wanted to leverage the tourism impact and benefit businesses on 17<sup>th</sup> Street Causeway and the beach. Vice Mayor Rodstrom thought Vice Mayor Rogers would find it helpful to see the improvements without the bypass road. Mr. Allen referred to the Port's pursuit of improving Terminal 4. He thought that the parking issue is outside of the DRI issue. The Port has requested 119 spaces, which would allow the permit to be issued for Terminal 4. He did not want this to be delayed. In response to Mayor Seiler, Mr. Backman advised that there are some 300 spaces not in dispute at Northport. Mr. Backman did not think this issue should be delayed while the other is being worked on.

Mayor Seiler opened the floor for public comment.

Former City Commissioner Tim Smith recalled that at the time this was billed as traffic congestion relief for the citizens.

Note: The City Commission recessed at 5:54 p.m. and addressed Conference Item I-D at approximately 11:36 p.m. in the City Commission meeting room on the first floor of City Hall.

#### **I-C – Broward County Ten-Year Plan to End Homelessness**

This item was deferred to April 5, 2011.

#### **I-D – Aquatic Complex Grandstands – National YMCA Swim Championship – Request for Fee Reduction**

Mayor Seiler opened the floor for public comment.

Art Seitz, 1905 N. Atlantic Boulevard, supported the City taking whatever action necessary to accommodate the YMCA event. He wanted RDC (bidder on Aquatic Complex redevelopment) investigated because their response to the RFP indicated they completed Typhoon Lagoon at Walt Disney World. In his conversation with Walt Disney World, they were not familiar with RDC. He elaborated upon what he believed would be proof of their involvement. He wanted their resume to be reviewed in its entirety.

There was no one else wishing to speak.

Cate McCaffrey, Director of Business Enterprises, advised that the YMCA has requested a fee reduction. There is a question about next year. The YMCA actually has a contract

with Fort Lauderdale Aquatic Complex (FLAC). In response to Commissioner DuBose, Ms. McCaffrey indicated that the grandstand work could be completed before the YMCA's event next year.

Jim Weaton, YMCA of the USA, elaborated upon the adjustments they had to make when notified of losing 1,500 seats. The accommodation challenges have been severe. In ticket reduction alone, YMCA anticipates losing \$25,000-\$30,000. YMCA must assume a higher level of financial risk. YMCA believes that 50 percent of the \$57,367 facility rental fee would be a fair reduction. The parents and athletes are frustrated. YMCA has indicated to them that this is a one-year fix and if the 1,500 seats are not replaced, YMCA will have no alternative but to move to another location. He also encouraged the City to proceed with considering renovating the facility. The facility needs to be renovated in order for the YMCA to continue to be accommodated. He elaborated upon the economic impact of the event. People have said they will not return next year if the stands are the same. Commissioner Rodstrom was agreeable to the reduction and the temporary adjustments in order to keep YMCA this year. She commented that in the future it may be the facility is not available when the complex is being renovated. She hoped the YMCA would want to return after the renovation is complete. Mr. Weaton indicated that YMCA would need to make a decision about next year within the next three months. Because of the condition of the facility, Commissioner Rodstrom wanted to make the event as pleasant as possible and give the YMCA the best possible deal. She preferred to put the million dollars for grandstand replacement to the new facility. Mr. Weaton believed there is an interest to return, but the grandstands have to be replaced. The YMCA has indicated to people the event will not be held with 700 seats.

Ms. McCaffrey responded to Commissioner Rodstrom, indicating measures being taken to provide temporary bleachers. She enumerated the number of seats lost last year and that the bottom line is there are 500 seats less. Laura Voet, Aquatic Complex Manager, indicated that with the portable bleachers, there are 950 seats. She went on to detail logistics including efforts to make some use of the sundeck although the view is obstructed. Generally there are 1,500 seats.

With respect to a 50 percent overall cost reduction, Mayor Seiler indicated there are a lot of costs beyond the City's control. The City has control over the pool fee and could absorb it. Ms. McCaffrey detailed the costs outside of the City's control. Bruce Wigo, Chief Executive Officer (CEO), International Swimming Hall of Fame, offered a reduction for the banquet hall. Mayor Seiler felt the YMCA could pursue an accommodation from the International Swimming Hall of Fame. Commissioner Rodstrom explained she is concerned about retaining the positive economic impact and accommodating the YMCA attendees.

There was consensus approval to reduce the pool fee by 50 percent.

In response to Mayor Seiler, Ms. McCaffrey advised that the Aquatic Complex redevelopment item will be on the April 5 agenda. Mayor Seiler questioned the benefit of partnering with a bidder. It is not enough to partner with the City in the renovation and adding a wave pool.

Commissioner Rodstrom asked that through the Acting City Manager, staff will work with the YMCA and other entities to bring their cost down.

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**I-E – Creation of Community Redevelopment Plan – Middle River – South Middle River – Sunrise Boulevard**

Alfred Battle, Northwest Community Redevelopment Agency Director, provided a brief overview of this item as set forth in Commission Agenda Report 11-0384. The proposed Community Redevelopment Plan (plan) will serve as a master plan for how funds in the (CRA) trust fund will be spent over the next 30 years. Funding for this plan cannot be taken from either of the existing CRA areas (Northwest and Beach); but he believed it can be derived from the City's general fund. The cost proposals from planning firms range from \$20,000 to \$25,000. The plan will be submitted to the City and Broward County for approval as part of the process to create the new CRA (Community Redevelopment Agency). In response to Mayor Seiler, Mr. Battle explained that the existing CRA's have reimbursed the general fund for expenditures on property and the like. Commissioner Rodstrom questioned if the City's contingency fund can also be reimbursed. Mr. Battle noted that he is not distinguishing between general fund and contingency fund; he is referring to all non-CRA funds as general fund. There was consensus approval to provide \$25,000 from the City's contingency fund with the understanding that these funds will be reimbursed (by the new CRA) to the contingency fund. In response to Vice Mayor Rogers, Mr. Battle explained that it will take approximately two years to establish the (CRA) trust fund, and it will take approximately two to three years to show some revenue to pay back this \$25,000.

**I-G – Fiscal Year 2011-2012 Budget – General Fund Revenue**

The Commission decided to forego a formal slide presentation, however, the slide are attached to these minutes.

In response to Commissioner Rodstrom, Mayor Seiler and the Acting City Manager clarified that the revenues were to be presented at this meeting and the expenditures next month.

In response to Commissioner Rodstrom, Doug Wood, Director of Finance, indicated that somewhat less than \$500,000 is being included for the red light camera program which is the best guess until the numbers are refined. Most of the citations are being denied by the courts. Some dialogue ensued concerning the Property Taxable Value History slide (page 3) from Exhibit 1 of Commission Agenda Report 11-0410. Shonda Singleton-Taylor, Assistant Director of Finance, advised that in June of 2010, the Property Appraiser requested the City use a flat projection. With respect to options for next year, Commissioner Roberts indicated he had asked staff to include something under the Revenue Opportunities slide (page 19) about systematic cost recovery adjustments to fees. In response to Mayor Seiler's question about 21% Balances and Reserves under Fiscal Year 2010-2011 General Fund Revenues slide (page 2), Ms. Singleton-Taylor explained this is the beginning reserve and would include pension. In response to Mayor Seiler, Norm Mason, Assistant Budget Director, advised that the CPI used is the State of Florida southern region (Property Tax Historical Perspective slide, page 4). It composes Miami-Dade, Broward and Palm Beach counties. In response to Mayor Seiler, Mr. Wood advised the City has received 41% of sales tax revenue estimate through February (33% of the year) (Intergovernmental Revenue slide, page 9). In response to Commissioner Rodstrom, Mr. Wood advised the City has received 46% of motor fuel tax revenue estimate through February (Intergovernmental Revenue slide,

page 9). If the price of fuel continues to rise, the revenue could fall off. In response to Mayor Seiler, Mr. Wood advised the City has received 34% of fire rescue transport fee estimate (Intergovernmental Revenue slide, page 11). Mr. Wood explained what is primarily contained under Interfund Service Charges (Miscellaneous Revenue slide, page 16).

### **III-A – Communications to City Commission and Minutes Circulated for Period Ending March 10, 2011**

This item was deferred to April 5, 2011.

#### **Marine Advisory Board**

In response to Mayor Seiler, the City Clerk clarified that a communication from the Marine Advisory Board concerning expansion of the Las Olas Marina will be on the April 5 agenda. Mayor Seiler asked that the backup for this item be provided the Commission at that time.

### **III-B – Board and Committee Vacancies**

Note: Please see regular meeting, Item R-05.

### **I-D – Aquatic Complex Grandstands – National YMCA Swim Championship – Request for Fee Reduction**

Continued from 12\*

Mayor Seiler corrected a previous statement: RDC presentation (Aquatic Complex redevelopment) will be made at the second meeting in April.

Continued on Page 14\*

Note: The Commission convened as the Community Redevelopment Agency Board of Commissioners from 12:26 a.m. until 12:37 a.m. and then returned to the conference for Commission Reports at 12:38 a.m.

### **City Commission Reports**

Continued from Page 1\*

#### **Broward League of Cities, Florida League of Cities; Travel**

Commissioner DuBose announced that he is the second vice president for the Broward League of Cities and serves also on the board of directors for the Florida League of Cities. There are associated costs with meetings and travel that have impacted his budget. It was generally agreed that transfers from other commission member budget accounts for travel could be made if possible in that Commissioner DuBose is representing the City. It was suggested that the Commission Assistant Coordinator follow-up with each member of the Commission.

#### **Upcoming Events**

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

Comprehensive Annual Financial Report

In response to Commissioner Rodstrom, the Acting City Manager indicated that it is anticipated the comprehensive annual financial report will be on an April agenda.

**I-D – Aquatic Complex Grandstands – National YMCA Swim Championship – Request for Fee Reduction**

Continued from page 13\*

Bruce Wigo, Chief Executive Officer (CEO), International Swimming Hall of Fame, elaborated upon the Hall of Fame's cooperative efforts. He was concerned that they have been put at a distance from activities, for example, the YMCA now contracts with Fort Lauderdale Aquatics. The Hall of Fame was previously sharing event revenues from vendors with the City. He recommended the YMCA be displaced in 2012 and not 2013, 2014 and 2015. He pointed out that the grandstands first faulted six or seven years ago. He urged the Commission to make a decision (Aquatic Complex redevelopment) and move forward. He went on to elaborate upon future events at the Hall of Fame and abroad, emphasizing the publicity and exposure it provides to Fort Lauderdale. The water tower previously announced the International Swimming Hall of Fame Museum and Pool, and now people have a problem finding the facility from A-1-A. He used these examples to point out that the City needs to move forward with the project in order to re-gain revenue and events.

**City Manager Reports** - None

There being no other matters to come before the Commission, the meeting was adjourned at 12:49 a.m.