

**FORT LAUDERDALE CITY COMMISSION CONFERENCE MEETING**  
**JUNE 21, 2011**

Agenda Item	Page
City Commission Reports	16
1. Wind Turbines, Hilton Hotel	16
2. Events and Matters of Interest	17
3. Utility Communication Service Cabinets	17
4. Council of Civic Associations Representation on Visioning Committee	17
5. Visioning Committee Logo	17
OB	2011-2012 Issues Survey, Broward League of Cities
16	
I-A	Redevelopment of Aquatic Complex – Proposal of Recreational Design & Construction, Inc.
1	
I-B	Estimated Federal Housing and Community Development Funding and Proposed U.S. Department of Housing and Urban Development Annual Action Plan of Consolidated Plan - Fiscal Year 2011-2012
7	
I-C	Air Show Proposal – Lauderdale Air Show, LLC
6	
I-D	Fort Lauderdale Grand Prix Proposal – Staarke Taylor, Dale Dillon, Ryan Hunter-Reay
13	
I-E	Fort Lauderdale and Lockhart Stadiums – 72.6 Acre Site, East of Executive Airport – Comprehensive Plan – Land Use Plan Amendment Application to Broward County Planning Council – Traffic Impact Analysis and Mitigation Strategies and Update on Current Use Agreement
9	
I-F	Broward County Northport Development of Regional Impact and Port Everglades Cruise Terminal 4
10	
I-G	Moratorium of Water Taxi Applications
13	
I-H	Expansion of Las Olas Marina
12, 14	
I-I	Proposed Lien Settlements – Special Magistrate and Code Enforcement Board Cases
14	
I-J	Relocation of Judge Shippey House to Cooley's Landing
4	
II-A	Archaeological Monitoring Services for Fort Lauderdale Beach Park Wall Replacement and ADA Improvement Project - Emergency Purchase
14	
II-B	Fiscal Year Ending September 30, 2010 Single Audit Report and Management Letter
14	
III-A	Communications to City Commission and Minutes Circulated for Period Ending June 16, 2011
15	
III-B	Board and Committee Vacancies
16	
City Manager Reports	17
1. Beach Concession Request for Proposals	17
2. City Manager's Office Reorganization	18
3. Budget	18

Present: Mayor John P. "Jack" Seiler (arrived at 2:09 p.m.)  
Vice Mayor Bobby B. DuBose, Commissioners Bruce G. Roberts,  
Charlotte E. Rodstrom, and Romney Rogers

Also Present: City Manager Lee R. Feldman  
City Auditor John Herbst  
City Clerk Jonda K. Joseph  
City Attorney Harry A. Stewart  
Sergeant At Arms Sergeant Bill Schultz

**I-A – Redevelopment of Aquatic Complex – Proposal of Recreational Design & Construction, Inc.**

Cate McCaffrey, Director of Business Enterprises, reviewed previous Commission direction. The City Manager indicated that there are parking and traffic issues that still need to be resolved that could be done with a more detailed study based on a more detailed site plan some time in the future. Recognizing \$25 million has been earmarked by the beach area Community Redevelopment Agency, he recommended the project be scaled back. The following components not be built at this time: docks along the Intracoastal, walkway around the complex and over A-1-A, D.C. Alexander Park improvements and Ocean Rescue facility. These changes would bring the public funds portion to about \$26 million and hopefully \$1 million can be saved through design. He recommended looking at a six-level parking garage which could be funded through a revenue bond. Concerning traffic impact, the Kittelson study speaks about peak traffic at just under four hundred trips per hour. If the number is determined to be higher, the project will need to be scaled back. As to the Wave House, restaurant and retail space, Recreational Design & Construction (RDC) has indicated it will be revenue positive in year one. Staff, nor the City Auditor, have delved into those numbers as much as they would like to do. A market study will be essential. Today there are four options: 1) do nothing; 2) authorize staff to negotiate with the developer and conduct a market study; 3) reject the proposal and re-bid; or 4) proceed with the aquatic facility and parking garage with no private element.

Commissioner Roberts wanted to avoid empty store space. He wanted to see results of a market study and then negotiate more on a partnership. In response to Commissioner Rodstrom, the City Manager advised that Option 2 would require RDC to commit to performing a market study. Commissioner Rogers was uncomfortable proceeding without more information. The City Manager indicated that awarding the RFP would not give RDC any vested interest, but rather it moves the process to negotiating a developer's agreement that would be based on real parking and traffic analysis, a modified site plan and a market study. A general discussion ensued about Option 2. The City Attorney recommended the RFP not be awarded until the issues are resolved and the Commission wishes to go forward or RDC waive any rights that such an award would grant them.

Jim Blosser, representing Recreational Design & Construction, Inc., indicated that RDC is aware that traffic and parking are key elements but there is no book formula because of the hybrid nature of the facility. Until the point is reached where a traffic study can be

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

commissioned, the process is at a stand still. Joe Cerrone of RDC indicated that a traffic study would be in excess of \$50,000 in addition to a market study. Mr. Blosser highlighted the benefits. RDC would like to begin negotiating a term sheet. Commissioner Rodstrom commented about the length of time for such a project and not wanting to ultimately forfeit any CRA funds. Commissioner Roberts thought there are many unanswered issues, mentioning the International Swimming Hall of Fame. He noted there is also traffic and parking to consider with the Bahia Mar project. He did not want a piecemeal approach. Commissioner Rodstrom felt it is up to the developer to prove the project can be done. The City Manager believed the developer's next step will cost close to \$100,000. He did not believe they are willing to move forward unless the Commission is willing to enter into negotiations on the term sheet and agreement that would address a revised scope, parking, traffic and financing issues. Commissioner Rogers thought the City will have the part that losing money and the private partner will have the part that makes money, which is unacceptable. Commissioner Rodstrom felt the City is losing money because of an operational issue that needs to be analyzed. Further, revenue loss is not yet known without a market study. Vice Mayor DuBose felt it is important to look at the project comprehensively, but he was not certain how to reach that point, perhaps the market study. Commissioner Rogers wanted a parking study first. Commissioner Rodstrom felt each project must address their own parking including their employees and then the City's parking study will look at future use of the beach. Commissioner Rogers noted the proposal requests a 70 percent parking reduction.

Mr. Blosser noted the project reductions that are now at \$67,273,900 including \$8 million for the Hall of Fame from the City. With the City Manager's recommendation of removing an additional \$5 million, the City's portion without the Hall of Fame is \$26,971,000. Commissioner Rodstrom clarified that the CRA funds would be for the pool, dive well, stands and aquatic center. Mr. Blosser thought the City could commence discussions with the International Swimming Hall of Fame (ISHOF) and RDC simultaneously. The Sasaki report addresses the need for more retail and restaurants. RDC would be happy to supplement it. Commissioner Rogers wanted RDC to be aware that the City may decide to only renovate the pool and grandstands. He thought perhaps the City should commission a traffic and parking study to use as a base line.

The City Auditor commented that typically in public/private partnerships, the benefit to the public entity is that the private sector puts up the money. In this case, the City is being asked to fund all of the public sector improvements. The only private sector portion is receiving rent for D.C. Alexander Park. The City is losing \$1 million annually on the pool operation. Proposed changes to rectify the loss involve raising program prices and increasing ISHOF's contribution, both of which could be done independently. Mr. Blosser advised RDC's partner is willing to provide a guarantee to operate the facility with no deficit to the City.

Mayor Seiler arrived at 2:10 p.m. He opened the floor for public comment.

Shirley Smith, 1 Las Olas Circle, commented that the pool facility has been in poor condition for years. She advocated it being repaired. She questioned the need for a parking study. She was opposed to a six-story garage due to the height.

Jack Newton, 1 Las Olas Circle, indicated as a resident of the Venetian Condominium, he is next door to this facility. Venetian residents are opposed to a huge construction project and a new facility that is a gamble on whether it will be profitable. He favored mostly repairing the existing facility and perhaps an addition to allow an overhead

structure extending to D. C. Alexander Park. He believed that many people favor a pool that could be used by the public for aerobics and overflow needs for ISHOF competition. There is opposition to a wave machine as well as a six-story parking deck. He was concerned about noise. There is support for restoring the pools to world-class status. He urged another RFP be issued.

Sadler James, 3073 Harbor Drive, felt if the project is done piecemeal, it is merely an RFP for construction that could be done without assistance. He felt the issue is the City's inability to clearly define the uses. The facility has not been world-class for years. The current proposal does not match the existing diving accommodations. This is not a partnership because the City is providing the funding. He did not think the Wave House is real. The Wave House in San Diego and other places is in the context of large entertainment centers with other forms of entertainment and a multi-draw. The City could be a world class diving facility or a world class swimming facility, but not both. There are experts available to assist. He pointed out that the City only have three major events a year. He opposed a piecemeal approach. He recommended rebidding after the City reevaluates what it wants to be. He believed there have been enough parking studies throughout the years. The City knows what the County mandates for trips. The City could provide thumb rules to RDC. The big picture should be addressed first.

Fred Carlson, representing Central Beach Alliance, felt it should be recognized that there is not enough space on the barrier island for large venues. He recommended moving the Hall of Fame at Holiday Park.

There was no one else wishing to speak.

Mayor Seiler agreed with other members of the Commission that doing nothing is not an option. He felt that in whatever fashion the City proceeds, RDC has a role. He indicated that he has huge financial concerns. He wanted a public hearing at the site on the pool design. Commissioner Rodstrom wanted to hear from experts in the field. In response to Mayor Seiler, the City Auditor indicated that he will have to accept some of the numbers provided by RDC because he is not a restaurant industry expert, for example. Mr. Cerrone recalled that U.S.A. Swimming has strongly suggested two, 50-meter pools to attract events and provide for additional programming. Commissioner Rodstrom wanted to plan for the facility to be world-class and think about the future. Mr. Cerrone indicated there is overwhelming consensus by the user experts on what RDC has proposed. Commissioner Rodstrom thought RDC has done an excellent job; she believed it is a viable plan. Mr. Cerrone felt that the land leases will go to a significant offset toward the \$1 million deficit.

The City Manager advised that first a decision needs to be reached on what should the aquatic facility look like. From that point, a decision can be reached on private activity on the site and use those dollars to help subsidize the facility. Commissioner Rogers reiterated his concerns. Commissioner Rodstrom felt the Commission needs to decide how much should be private. She wanted to proceed with negotiations as suggested by the City Manager with what the City knows will be public and where the private fits in as well as the marketing analysis and any other supporting documents in order to make a decision. Commissioner Roberts agreed.

There was consensus as outlined by the City Manager for staff to move forward with continued negotiations with RDC by scheduling a public meeting at the site to receive public input as to what the facility should be. RDC will perform a market study and final

site plan with a site specific parking and traffic study. A term sheet will then be negotiated and ultimately a developer's agreement.

Commissioner Rogers thought it would be helpful to have cost information on taking care of what exists at the facility today; then adding a private component and lastly the full project. Vice Mayor DuBose pointed out that this is not the only project in the picture. Parking will be impacted by other projects. It must be examined comprehensively. Commissioner Rodstrom felt there needs to be plenty of affordable public parking.

### **I-J – Relocation of Judge Shippey House to Cooley's Landing**

Commissioner Rogers indicated that the Sailboat Bend community is trying to preserve the Judge Shippey House. A fund raising effort has been organized through ReMax Preferred. The owner was consulted and is willing to delay demolition for at least thirty days. The City is being requested to allow relocation to Cooley's Landing. He felt it is a great way to anchor the Riverwalk with the Stranahan House on the other side. Mayor Seiler asked about legal issues. The City Attorney advised there would need to be a resolution with intent to lease the property for an office use which would require a rezoning as it is zoned park. The request is to place the structure five feet from the property line and the setback is twenty-five feet. It would require setback changes and because it is site plan level III, it would need to be presented to the Planning and Zoning Board. Parking would be impacted significantly. Commissioner Rogers thought it could be relocated before a rezoning if the structure is not used until the rezoning is completed. The City Attorney advised that the intent to lease would have to occur before the fact which requires no less than 30 and no more than 60 days notice and public hearing. Typically questions relating marinas are referred to the Marine Advisory Board. In response to Vice Mayor DuBose, the City Attorney did not believe there are any mitigation issues with Broward County and the Safe Parks and Land Preservation Bond Program. A use would be added to a marina that already has limited parking.

Commissioner Roberts understood the relocation effort is about \$32,000, refurbishing is roughly \$158,000 and then there is maintenance. The worst case could be that the house is relocated to the park and it deteriorates there. Commissioner Rogers thought there is enough synergy in the community for everything to happen. Vice Mayor DuBose asked about the City's obligation to demolish if the conditions are not met after it is relocated. The City Attorney advised that once it is relocated, the City is then obligated to restore and take care of the house. The current demolition permit pertains to the house at the current address. In response to Mayor Seiler's question, Jackie Scott, President of Colee Hammock Homeowners Association, advised that New World Builders has experience with this type of work. The community wanted to be realistic with the cost estimates, but New World Builders may not actually be the contractor. She elaborated upon the apparent financial support and that she believed the funds could be raised. Commissioner Rogers thought there should be the condition that it not be relocated unless it could be secured once relocated, which would be \$38,000. Commissioner Roberts was concerned about the long-term. Renovation is estimated at \$158,000 and then there will be ongoing maintenance. Mayor Seiler wanted to know the current maintenance cost for the Annie Beck House. He did not want the City obligated financially. Commissioner Rodstrom felt there needs to be a renovation plan in place. In response to her question, the City Attorney advised that if the decision was to move forward, he would recommend a lease of the site and authorization to relocate the structure to that site which would take a couple months. The zoning change would take 60-90 days. Commissioner Rogers thought a corporation would be formed who would

take ownership. The City would enter into a lease with that corporation. The City would treat that corporation as any other property owner. If it deteriorates to the point of being unsafe, it would go to the Unsafe Structures Board and the corporation would be responsible. In response to Vice Mayor DuBose, the City Attorney indicated if the 501c3 has no assets, they would be in default of the lease by having unsafe property on the leased property. With there being no enforcement, it would fall upon the City. The Unsafe Structures Board would determine whether it was unsafe. Commissioner Rogers thought one of the reasons it was deemed unsafe had to do with it being situated on metal movers. If it is relocated and attached, it becomes new circumstances.

During discussion of this item, there were references including fundraising and historical accounts concerning Stranahan House and Annie Beck House.

Mayor Seiler opened the floor for public comment.

Jackie Scott, President of Colee Hammock Homeowners Association, indicated that she and Alysa Plummer would not have put their names on the proposal unless they were very convinced that the money could be raised. She referred to the national sponsor and a three-county event for fundraising. They are willing to form a 501c3 and own the property. They will comply with whatever arrangement the City Attorney prefers. They need the space and the City's commitment. In response to Mayor Seiler's question, Ms. Scott advised that since Friday, she has received a little over \$3,000.

Genia Ellis of the Riverwalk Trust, indicated with Stranahan House anchoring one end of the Riverwalk, this is an opportunity for the Shippey House to anchor the other end. The Riverwalk Trust would be very willing to rent it. She believed an acceptable entity could be put together with the City Attorney's Office. She felt the opportunity exists to raise sufficient funds for the restoration.

Richard Locke, 805 SW 4 Street, referred to \$340,000 being held in trust for road mitigation (Villages at Sailboat Bend). He asked about using those funds as a performance bond until the all of the funding for this project is raised or to use a portion for the project itself. He believed that the Sailboat Bend Civic Association would be supportive of the idea. He urged approval of this item. He referred to the property owner's statement that \$10,000 needed to be produced or they would proceed with demolition. Ms. Scott explained that the property owner also wanted to be assured that the funding could be raised. Mr. Locke referred to the neighborhood's eligibility for grant funding.

Mayor Seiler thought if the funds are raised, the Commission will probably support the request. The City Attorney advised that the trust funds can only be used for the intended purpose.

Paul Boggess, vice president of Sailboat Bend Civic Association, noted that this matter has been discussed by the Association. He believed the funds could be raised and pointed out a previous fundraising effort by the Association for the Ninger statue where \$150,000 was raised. There are two 501c3's already in place. He did not think the house will require setbacks from the other houses. Only the statue would have to be moved. Ms. Scott added that moving the statue is included in the estimate.

In response to Mayor Seiler, Ms. Scott advised that the company with the cribbings upon which the house was secured for 2-4 years furnished the estimate provided in this item.

The statue removal, securing at the new location and transportation are included in the amount of \$38,000. The statue would be placed at a new location.

Mayor Seiler commented on the positives of this proposal. He wanted to give the community thirty days to raise the funds. He suggested an update be provided on July 6. There was consensus approval. In response to concern expressed by Commissioner Roberts, Mayor Seiler assured that the house would not be moved until a financial plan is in place and that information should be furnished on July 6.

In response to Vice Mayor DuBose, Mayor Seiler did not feel it is reasonable to expect that \$158,000 could be raised by July 6. If the house is moved and they are not able to do anything with it, this action at least removes some pressure so that an effort can be made to salvage the building. Commissioner Roberts did not want the City to be obligated for future refurbishing and maintenance. Mayor Seiler agreed and clarified that the City is committing no money to this project. Thirty-eight thousand dollars should be raised by July 6.

### **I-C – Air Show Proposal – Lauderdale Air Show, LLC**

Terry Rynard, Acting Director of Parks and Recreation, advised that Ramola Motwani and her son, Dev, are proposing an air show event in April of 2012.

Dev Motwani commented on the history of air shows in Fort Lauderdale. He noted the background and experience of B. Lilley, Inc. in producing air shows. The goal is to produce a quality show that is more family-oriented, will have less impact on immediate residents, support businesses over a long weekend and will be self-sustaining and safe.

Bryan Lilley of B. Lilley, Inc. reviewed slides on this proposal for April 28 and 29, 2012. A copy of the slides is attached to these minutes. He noted the Sunrise Boulevard area and south would need to be closed during ingress/egress and show hours. The Commission is requested to authorize the City Manager and staff to enter into negotiations for a memorandum of understanding and for the City to execute a military dd2535 form to request performance of the Thunderbirds in 2012 and the Blue Angels in 2013.

In response to questions raised by members of the Commission, Mr. Lilley advised that the dates were selected to coordinate with fleet week. B. Lilley, Inc. is comfortable with the financial model and safety measures. This will be a smaller event than the previous air shows.

Mayor Seiler opened the floor for public comment.

Ina Lee, Travel Host, supported the proposal. She noted that the city will be losing the ARVO show in two years which is \$20 million economic impact. They will not return until 2017 and only with a new convention center hotel. She also referred to the loss of economic impact with the Aquatic Complex of \$30 million annually. This proposal's timeframe is when business is needed.

Chuck Black, Navy League, indicated as a past president of Fort Lauderdale Council for Navy League and a national board of directors member, he wanted to endorse this proposal.

There was no one else wishing to speak.

The following responses were provided to the Commission's questions. Mr. Lilley was confident with the financial model. They have contacted previous and potential sponsors. Plus there are the relationships that the Motwani family has. Not including the City, he estimated roughly \$600,000 plus. Terry Rynard, Acting Director of Parks and Recreation, advised with using the old model, the cost was \$400,000. This model would be reduced. Staff did not want to determine hard numbers until there was Commission direction. The City Manager advised that timing of a deposit, profiteering and so forth would be negotiated in the memorandum of understanding.

Mayor Seiler noted that he requested in a letter to the military that these dates be left open pending the matter coming before the Commission.

There was consensus approval for the City Manager and staff to enter into negotiations on developing a memorandum of understanding and for the Mayor to execute a military dd2535 form, requesting performance of the Thunderbirds in 2012 and the Blue Angels in 2013.

**I-B - Estimated Federal Housing and Community Development Funding and Proposed U.S. Department of Housing and Urban Development Annual Action Plan of Consolidated Plan – Fiscal Year 2011-2012**

Jonathan Brown, Housing and Community Development Manager, advised that after receiving the final proposed number from the U.S. Department of Housing and Urban Development, the Emergency Shelter Grant Program (ESG) was reduced to \$90,528. Staff met with all of the HOPWA (Housing Opportunities for Persons with HIV/AIDS) agencies, requesting feedback on how they would like to share the House of Hope funding that they did not wish to receive.

Commissioner Roberts recommended more funding for the Step-Up Apprenticeship Program (Community Development Block Grant Program). He understood there may be SHIP (State of Florida Housing Improvement Program) funds forthcoming in the amount of \$150,000 next fiscal year that could free funding in the House Program area of CDBG, therefore \$100,000 could be assigned to Step-Up to return the program to about the same funding level as the previous year. Vice Mayor DuBose was also concerned about the decrease in Mount Bethel Childcare Assistant Program of the CDBG Program and wanted more funding assigned to this area. Greg Brewton, Director of Planning and Zoning, responded to Commissioner Rodstrom, indicating the deadline is the first meeting in July. Commissioner Rogers concurred with Commissioner Roberts and Vice Mayor DuBose. He noted that none of the Small Business Assistance funding was used this year. As part of developing next year's annual action plan, the City Auditor recommended staff be required to provide data as to how many people have been served, how much has been expended on previous allocations. There is a tendency to do the same thing every year, rather than to have data that drives the decision-making. Commissioner Roberts agreed that outcomes are needed. Mayor Seiler suggested and there was consensus to roll-over the existing year funding of \$150,000. Vice Mayor DuBose questioned whether a complete picture is being provided if the Commission does not know about the roll-over of funds. Mr. Brown indicated Small Business Assistance funding from the prior year was expended through CDBG-R (Community Development Block Grant Recovery). The City Manager thought there are likely available funds from previous years and that information could be furnished.



Mayor Seiler suggested with the Small Business Assistance funds of \$150,000, Step-Up be returned to its original level (\$175,000) and the remainder to Mount Bethel Childcare Assistance Program. He as well as the Vice Mayor did not wish to expend anticipated SHIP funds until it is received. Mayor Seiler asked about current year expenditures for Mount Bethel Childcare and Mr. Brown explained that some agencies have not been able to submit the appropriate documentation for reimbursement. Vice Mayor DuBose remarked that the department's requirements for programs varies. It is recurring.

In response to Mayor Seiler, Mr. Brown advised that the Community Services Board's recommendations for Public Service Activities in the CDBG Program have not been ranked by staff. Commissioner Roberts raised questions about the board's process. He also did not approve of the previously established policy that an agency may not be funded for three consecutive years. He wanted to consider outcomes. Mayor Seiler agreed; he wanted to revisit the policy by a joint workshop with the board before next year's cycle. The Commission is forced to fund a new agency with no reliance of its success. Commissioner Rogers wanted to give consideration to agencies if they raise funds. Discussion ensued about the policy raised by Commissioner Roberts wherein the City Auditor noted that he had argued against it originally. Commissioner Roberts reiterated his request for outcome information next year. He was willing to make changes for Broward Housing Solutions and Women in Distress of Broward County who have been funded previously and are not recommended this year, although they were rated higher than two other agencies recommended for funding.

Vice Mayor DuBose reiterated his request for more funding to be assigned to Mount Bethel Childcare and suggested existing funding under Small Business Assistance. In order to accomplish this, Mr. Brown explained a program amendment would be necessary that would require advertising. The City Manager advised it could be accomplished at the August meeting. In response to Mayor Seiler, Mr. Brown advised that this year Mount Bethel Childcare will expend the \$150,000 of previously allocated funding.

Commissioner Rodstrom wanted to consider funding for unpaved rights of way in South Middle River under Public Works Department Projects of the CDBG Program. She referred to a cost estimate prepared by the Public Works Director. Albert Carbon, Director of Public Works, explained the process relating to projects funded with CDBG dollars in the City's Capital Improvement Program. Mr. Brown emphasized the need to focus on shovel-ready projects.

Mr. Brown noted that \$338,657.75 for Housing Rehabilitation/Replacement in the HOME Program could be shifted to the CDBG's Housing Rehabilitation Program so that the \$50,000 in that area could be used for another project. Mayor Seiler suggested the \$50,000 be used for day care (Mount Bethel Childcare Assistance Program). The City Manager wanted to reprogram existing Economic Development Activities dollars for the remaining dollars needed for Mount Bethel Childcare Assistance Program and indicated this matter would be presented in August. Mayor Seiler noted there is consensus approval to restore Mount Bethel Childcare Assistance to \$150,000.

There was Commission consensus to defer Agenda Item PH-02 from the regular meeting to July 6, 2011.

Mayor Seiler opened the floor for public comment.

Janet Riley, Legal Aid, noted that \$550,000 of CDBG funds have been allocated for Public Works Department Projects which is one-third of the CDBG budget. In response to her question, Mayor Seiler and other members of the Commission expressed assurance that the projects are for people in the target area.

Sandy Barry, Light of the World Clinic, thanked the Commission for the funding allocation.

**I-E – Fort Lauderdale and Lockhart Stadiums – 72.6 Acre Site, East of Executive Airport – Comprehensive Plan – Land Use Plan Amendment Application to Broward County Planning Council – Traffic Impact Analysis and Mitigation Strategies and Update on Current Use Agreement**

Jim Koeth, Planning and Zoning, highlighted the chronology of this item set forth in Commission Agenda Report 11-0918, including a correction on the Broward County Planning Council's vote being 13-3 and not 12-3. Along with the Planning Council's recommendation to approve the City's Land Use Plan amendment application, County staff recommended mitigation for all projected additional trips resulting in a higher mitigation amount. The revised methodology equates to an increased amount from \$108,630.12 to \$412,912. On June 14, 2011, the County Commission voted to set the transmittal hearing for June 28. County staff has assured that if the item is continued by the County Commission, it would not be moved to the next window for land use plan amendment applications. Also, on June 15, 2011, the City of Oakland Park adopted a resolution in support of mitigation for all trips.

As a member of the Planning Council, Vice Mayor DuBose indicated that he argued against this. If the City moves forward on an improvement, it will be required to pay according to a higher standard than applied to other cities. Mr. Koeth added that it was also stipulated that the \$412,912 amount be paid at issuance of first building permit. Commissioner Roberts understood the funds would be used toward the County's traffic synchronization program that he believed has been a waste of money. Also, he emphasized that not changing the window for amendment applications is the most important aspect. In response to Mayor Seiler, Greg Brewton, Director of Planning and Zoning, advised that the City was not notified when the matter came before the City of Oakland Park. Commissioner Rodstrom thought this might be an item to discuss at the workshop with the County Commission. The City Manager explained the land use amendment is needed in order for the City to deal with the lease, therefore he did not think the City would want a deferral. The City received a six-month extension on the leases (from Federal Aviation Administration). Vice Mayor DuBose thought there was some confusion at the hearing because it was portrayed as something for Schlitterbahn and not the City. The City Manager recommended the City allow the matter to go through the County Commission and deal with the mitigation payment down the road because he was not yet clear how the new growth management act applies to state roads. The City Attorney advised that the state law changes impact almost every city in the state except Fort Lauderdale. They do not have that much benefit because Fort Lauderdale lies in Broward County and Broward County, from a planning perspective, has countywide planning authority. The City is required to have its plan consistent with their plan. The question is whether their plan addresses this specific issue. Absent anything else, he recommended the City make the land use change as consistent as possible with their plan and tough that battle out later. The Federal Aviation Administration could then be informed it has been done.

Cate McCaffrey, Director of Business Enterprises, advised that the Federal Aviation Administration has requested ten percent instead of five percent (gross revenues – leases with Fort Lauderdale Strikers and School Board of Broward County). Both the Strikers and School Board have expressed their agreement.

**I-F – Broward County Northport Development of Regional Impact and Port Everglades Cruise Terminal 4**

In response to Commissioner Rogers, the City Attorney advised on the portside terminal staff has requested as much parking on that property as possible. The overflow needed which was much less than they had requested from the terminal was requested to be assigned to the parking garage of the convention center. Commissioner Rogers thought a formal parking reduction should be requested so that garage spaces would not have to be used. The City Attorney noted that the development of regional impact (DRI) was one parcel and the Northport development was part of the DRI. The parking required for the DRI was put in the garage and allocated on a first come, first served basis. He believed that the parking issue has been worked out. There is plenty of parking for the terminal. The question is what else can go forward. As to whether the road building and traffic congestion can be ignored, the City's position is no. The County could request a parking reduction, but it is not the City's place to direct that they do so.

Scott Backman, representing Broward County, explained this terminal has been the County's overriding concern so as to the improvements that have been pending in the Development Review Committee review process since 2007 so that the Port may continue negotiations with a number of cruise lines to berth at this terminal and continue the economic engine. A parking reduction may or may not be an appropriate solution. Northport does not necessarily agree with a lot of the County's positions. The County's position is that there are three hundred surplus parking spaces. He believed the only issue is that the spaces are within the DRI, therefore the (2009) Notice of Proposed Change (NOPC) Phase 1 improvements need to be worked out in order to release the terminal permits.

Commissioner Rogers noted that the traffic study has not yet been conducted. He wanted to make sure traffic flow issues are addressed. The City Attorney agreed, but indicated that parking for this terminal has been resolved although the County does not like the entire proposal, only the part that releases the terminal. He elaborated upon staff's discussions with the County on this topic and noted there is available parking left to discuss at a later date with the County and Northport. The idea is that the phasing be changed so that they cannot proceed with further development without the traffic study. They need to move the gate and conduct a parking study to allow for construction of a hotel in accordance with the DRI. With respect to expiration of the DRI, staff believes if they agree to this proposal, the City could find that they are in substantial compliance and the Senate bills that extended the development order would then apply. Therefore, all parties would have until 2014 to address the remaining issues. Discussion ensued about the delay as well as mention of March 15, 2011 City Commission discussion of the bypass road. The County is committed to building the bypass road and would like to complete the NOPC process before the end of the year in order to receive DRI extensions. The traffic study referenced by Commissioner Rogers had to do with when the bypass road phase two was possibly not going to be built. The County was consequently going to conduct a traffic study to indicate what improvements would be made at the intersection of 17<sup>th</sup> Street and Eisenhower if the County only completed

Phase I relocation of security checkpoints. If the County and City continue negotiating the bypass road agreement and NOPC development order as if the bypass road will be constructed in full, the traffic study is off the table. In response to Commissioner Rodstrom, Mr. Backman believed Phase 1 relocation would be completed by the end of 2012. As to the bypass, he mentioned that a traffic study was conducted a couple of years ago and accepted for the most part by City staff. There was one piece of missing information that he is ready to submit.

Commissioner Roberts liked Commissioner Rogers' idea with respect to parking. There will be a future battle over those parking spaces and the City need not be in it.

Robert Lochrie, representing Portside Yachting Center, LLC, indicated that Portside is the third party in this matter. Northport is the leasehold owner of property within the DRI. Terminal 4 is not in the DRI. The County's current application is to use parking within the DRI. There has been delay on Portside's NOPC and a site plan using up parking within the garage that would not be possible if it is used by the new terminal. Portside would like to be part of future discussions. Portside would not object to a parking reduction, provided additional spaces in the garage are not allocated.

The City Attorney advised that the City's position is that there is still space in the terminal. There is nothing in the DRI preventing the use of parking outside of the DRI for inside of the DRI. Consequently, that parking may be used for outside projects. Mr. Lochrie referred to the City's longstanding policy on parking of first come, first served. He would like to see a timeline of when site plans were submitted and so forth. He did not believe that Terminal 4's original application did not request garage parking spaces whereas Portside was. This is another factor to consider in making a decision. Mr. Backman indicated the only problem with a parking reduction is the time it takes. He would be willing to present this idea to the County, if parking spaces could be made available temporarily until a parking reduction is approved. In response to Commissioner Rodstrom, Mr. Backman indicated the reduction would be 117 spaces and Greg Brewton, Director of Planning and Zoning, outlined the process and timeline for parking reduction applications. Mr. Backman requested direction from the Commission to free the terminal plan in the interim so that the County may pursue their permits. Mr. Lochrie indicated it is a matter of taking spaces from the allocation and Portside does not wish for that to happen. At least parties within the DRI should have an opportunity.

In response to Mayor Seiler, Mr. Brewton advised that staff will do whatever is necessary so that the parking reduction application is scheduled on the July Planning and Zoning Board agenda if the information is provided. Mr. Backman preferred August, but clarified that he does not have authority to commit to this course of action. He indicated that the County would like to clarify all of the issues besides the parking. If the County re-commits to the bypass road, all of the other issues are moot. He will work with the City Attorney's Office and staff in order for a NOPC to be presented before the end of the year. Mr. Lochrie advised that Portside also has a pending NOPC that is being delayed by the County's portion of the DRI.

### **I-H – Expansion of Las Olas Marina**

Cate McCaffrey, Director of Business Enterprises, highlighted the chronology of this item as outlined in Commission Agenda Report 11-0907. The Marine Advisory Board's recommendation to expand the marina includes two conceptual plans drafted by East

Bay Group, LLC in 2004 that vary from \$8.5 million to \$16 million creating an additional 82 to 91 slips and potential estimated income of \$2.2 million to \$2.3 million. East Bay has indicated to staff that the numbers are still accurate. There is no funding earmarked for this work. In response to Mayor Seiler's question, Ms. McCaffrey did not know the projected time frame in which the expansion would pay for itself, considering maintenance and so forth. Commissioner Rogers thought the estimate to replace the parking garage shown in East Bay's letter of March 3, 2004, provided as Exhibit 3 to the commission agenda report does not appear to be accurate. A copy of this letter is attached to these minutes. He wanted to make use of the Sasaki beach master plan and decide whether their course should be altered. Commissioner Roberts concurred. Mayor Seiler outlined the economic issues that need to first be analyzed. If the marine industry can be helped, bring in additional revenues and not lose parking revenues, it is worthwhile to explore.

Diana Alarcon, Director of Parking and Fleet Services, advised that this proposal suggests parking on the south side and the Sasaki plan also recommended a parking garage, but on the north side. The City is pursuing selecting a consultant to look at the Sasaki plan. The Beach Redevelopment Board issued a communication to perhaps issue a task order to look at the Sasaki plan. She suggested that consultant explore which would be the most viable project. Commissioner Rodstrom explained Sasaki's recommendation on this area. It is a question of making the property a park or dockage. She emphasized that the promenade should not be impacted.

Mayor Seiler opened the floor for public comment.

Barry Flanigan, chair of the Marine Advisory Board, noted that this was approved by the board and delayed while the Palazzo lawsuit was ongoing. He noted the revenue estimate was arrived at by the consultant and the Supervisor of Marine Facilities. He also noted the current occupancy. Concept B would bring 122 (82) slips to the marina and of that number 14 would be mega-yachts (82 feet or larger). In response to Commissioner Rodstrom, Mr. Flanigan indicated that dredging is included in the estimate. He went on to elaborate upon the revenue impact. Commissioner Rodstrom thought that mega-yachts would choose a location with a lot of amenities, such as Pier 66 with a hotel and restaurants. Mr. Flanigan indicated that the board recognizes there are limitations, but this would be an improvement. Commissioner Rodstrom referred to the Beach Redevelopment Board's deliberations and that a public realm project is already in the works at this location. Mayor Seiler explained that this plan could be anywhere from twenty to one hundred slips; 82 is one idea. During discussion, he also mentioned how this item came forward on the agenda. He wanted to explore balancing the two interests. Donald Morris, Beach Community Redevelopment Agency Director, explained that the Sasaki plan carved out a bit of the parking lot on the north side, but it would not impact the current configuration.

Fred Carlson, representing Central Beach Alliance, advised that this matter was thoroughly reviewed with him. He thought a major challenge will be the parking garage on the south side of Las Olas Boulevard adjacent to the Venetian Condominium. The Venetian struggles with anything above eye-level. When the Oceanside parking lot is double decked, he felt a lot of the complaints will be minimized. When the area behind the rock bar that is now parking area is developed, parking will be lost. He will present this matter to the board of directors this week and he anticipated the response will be positive.

In response to Mayor Seiler, Ms. Alarcon advised that there have not been any discussions with the Army Corps of Engineers. She anticipated the consultant would address this. Andrew Cuba, Marine Facilities Manager, indicated the City's experience with the Corps process is less than two years. Mr. Flanigan indicated that a few years ago he and the former marine facilities manager had contacted several agencies and recall there was overwhelming support for digging out the facility.

Mayor Seiler clarified discussion of a park was on the southeast side of the parking lot and a garage on the southwest side. He believed the park concept was very narrow; it did not impact the current parking lot.

Note: The Commission recessed at 5:38 p.m. and reconvened at 9:29 p.m. to address this item and remaining agenda items in the City Commission meeting room on the first floor of City Hall. The Commission also convened as the Community Redevelopment Agency Board of Directors in the City Commission meeting room on the first floor of City Hall at 9:22 p.m.

Continued on page 14\*

#### **I-D – Fort Lauderdale Grand Prix Proposal – Starke Taylor, Dale Dillon, Ryan Hunter-Reay**

Mayor Seiler noted representatives of this group with the Commission individually. He also believed that they need to meet with business and residential groups to determine whether such an event is possible. They originally proposed a spring time frame, however, he explained to them that timeframe did not make sense to the City and it was therefore changed to early October. He thought that this would put Fort Lauderdale on the international map, enhance public awareness, increase out of market awareness and have a positive impact on the community. He elaborated upon the group's giving back efforts. He offered to present the item and therefore representatives are not present. Commissioner Roberts favored exploring the idea. Commissioner Rodstrom favored exploring the idea and getting more information. Vice Mayor DuBose indicated he would support exploring the idea and getting more information. Commissioner Rogers indicated some concerns were raised at his district meeting. He wanted to see examples of where the event was held in other communities. Mayor Seiler advised that the event has been held in Toronto, Long Beach and St. Petersburg.

There was consensus approval to move forward as noted.

#### **I-G – Moratorium of Water Taxi Applications**

Cate McCaffrey, Director of Business Enterprises, advised that this was placed on the agenda as a result of a communication from the Marine Advisory Board. The board would like a review of the ordinance that regulates water taxis, with respect to such matters as the size and type of vessels, number of permits issued and their cost. In response to Mayor Seiler, Ms. McCaffrey indicated that staff could provide input within a couple of weeks. Commissioner Rogers asked what is the impetus of the recommendation. Andrew Cuba, Marine Facilities Manager, advised that the City has not received any complaints. There have been rumors that several vessels will be applying in the near future. A moratorium would not impose any restrictions on existing applications. Mayor Seiler remarked upon the solid nature of previous recommendations of this board and suggested a short-term moratorium. With it being a short period of

time, Commissioner Rogers questioned going through the exercise of establishing a moratorium that stops business.

There was consensus approval to review the matter without imposing a moratorium.

### **I-H – Expansion of Las Olas Marina**

Continued from page 13\*

Commissioner Rodstrom had spoken with the chair of the Beach Redevelopment Board who had been in attendance earlier. He indicated to her a desire to compromise with the Sasaki's public realm concept and accommodate the marina. Mayor Seiler suggested staff work with the Beach Redevelopment Board and Marine Advisory Board to see if a compromise would be possible. Donald Morris, Beach Community Redevelopment Agency, believed the Beach Redevelopment Board is interested in working toward a compromise.

Commissioner Rodstrom did not want to see any part of the public realm promenade delayed in any way. She asked the City Manager to look into the cost of an expansion as well as the time. Mayor Seiler requested it be placed on the August agenda with a recommendation.

### **I-I – Proposed Lien Settlements – Special Magistrate and Code Enforcement Board Cases**

There was no objection.

### **II-A – Archeological Monitoring Services for Fort Lauderdale Beach Park Wall Replacement and ADA Improvement Project – Emergency Purchase**

No discussion.

### **II-B – Fiscal Year ending September 30, 2010 Single Audit Report and Management Letter**

The City Manager indicated that the external auditors, Ernst & Young, LLP, were not able to be present this evening. Staff is committed to rectifying each of the concerns.

Commissioner Rogers wanted to know if any of the findings brought to the City's attention are repetitive from previous years. Douglas Wood, Director of Finance, indicated that the items are not really monetary and more technical in nature for grant compliance; they could date back two or three years. Commissioner Rogers was interested in repetitive errors. The City Manager advised that he will treat each item as if it is repetitive because one occurrence is a concern.

In response to Commissioner Rodstrom's question concerning \$1.8 million that may be required to be repaid to the State relating to the Baltimore Orioles (Page 15), Mr. Wood indicated there are no items in the report that require repayment. The City Attorney advised that the funds are earmarked for a specific purpose which is no longer valid. The State is now making overtures about wanting the money back. Lynda Flynn, City Treasurer, indicated that the State has been provided the proper documentation that the funds will be returned when requested. Mayor Seiler indicated that he has spoken with

the State; there are some questions such as interest. Ms. Flynn advised that the funds are in a liability account.

In response to Commissioner Rogers' previous point, the City Auditor noted there are two findings pointed out as material weaknesses having to do with prior year findings (page 23). The City does not have a good system for monitoring and tracking the physical assets. Mr. Wood advised that staff is working on this. The City Auditor indicated that once a listing is available, there will need to be a physical inventory which will be a huge undertaking. It will likely need to be contracted out. This is not uncommon in government. The City Manager advised that a budget allocation will be necessary, including the proper equipment to maintain the inventory going forward. Vice Mayor DuBose had some concern about the cost.

### **III-A – Communications to City Commission and Minutes Circulated for Period Ending June 16, 2011**

#### **Audit Advisory Board**

**Motion made by Mr. Oelke, seconded by Ms. Probeck** to forward the Single Audit to the City Commission and to express the Board's concern about the repetitious nature of some of the findings. The Board therefore will be taking a greater role in following up on the auditor's recommendations and responses from the departments. In a voice vote, motion passed unanimously.

There was consensus agreement.

#### **Charter Revision Board**

**There was unanimous consensus to request a joint** workshop with the City Commission to discuss the Fort Lauderdale Council of Civic Associations' idea of amending the charter to obligate the City Manager and City Commission to abide by plans and studies that are adopted by the City Commission, and to discuss any concerns of the City Commission as well.

Judy Stern, chair of the Charter Revision Board, indicated that once the budget is adopted, it is suggested the board meet with the Commission for guidance on items that could be accomplished by ordinance versus charter. Also listed is an item from the Fort Lauderdale Council of Civic Associations. She wanted Commission consensus before proceeding. There was consensus agreement.

#### **Community Appearance Board**

**Motion made by Vice Chair Mammano, seconded by Ms. Bindler,** to acknowledge the excellent work that Liaison Reina Gonzalez and Staff have done on behalf of the Board, particularly regarding the recent Annual Event. In a voice vote, the motion passed unanimously.



Mayor Seiler asked that the Commission's thanks be extended to Ms. Gonzalez.

Economic Development Advisory Board

**Motion made by Vice Chair Dickey, seconded by Mr. Riehl,** to strongly recommend that the City Commission consider supporting and bringing back major events to Fort Lauderdale. In a voice vote, the motion passed unanimously.

Mayor Seiler believed this item has to do with the air and sea show and Grand Prix which are being addressed.

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

Note: Please see regular meeting item R-03.

---

**2011-2012 Issues Survey, Broward League of Cities**

**Other Business**

Mayor Seiler suggested the first issue/priority be budget; second, economy and economic development including transportation; third, public safety, crime. The other issues shown for 2010-2011 remain the same for 2011-2012 as: education (interlocal agreement with School Board of Broward County – public school facility planning); environmental issues (renewable energy and beach renourishment) and housing (homeless). Vice Mayor DuBose will be completing the last two categories. There was consensus agreement.

**City Commission Reports**

Wind Turbines, Hilton Hotel

Commissioner Rodstrom advocated a pilot program for Hilton Hotel to install wind turbines on their building that could be considered public art and further clean sustainable energy. She has spoken with area residents and there is no objection. She added one caveat that they not be the blade type. Mayor Seiler understood that the Commission with the exception of Vice Mayor DuBose has met individually with Hilton's representative. Commissioner Roberts agreed with a prototype program for Hilton at this time. Commissioner Rodstrom noted there is an existing turbine on the roof of a building near the Quarterdeck restaurant and 17<sup>th</sup> Street Causeway.

In response to Mayor Seiler, Heidi Davis, representing Hilton Hotel, indicated the item came before the Board of Adjustment, who communicated to the Commission and requested guidance. The Commission then recommended the item go to the Utility Advisory Committee who supported it, provided it is commercial and site-specific approval. The item has been deferred to July 13 by the Board of Adjustment. The original plan has changed slightly after discussions took place. Hilton has moved them off the street at Mayor Seiler's request. They are on the side of the building like scones; none are at ground-level. City staff is working on a citywide policy for the July 6 conference. However, Hilton has grants that expire at the end of the year and would like to move forward. She asked for Commission direction to the Board of Adjustment to

give the membership a level of comfort. Mayor Seiler wanted the item presented also to the Sustainability Advisory Board. He felt the City needs to look at an overall policy and this request separately. Albert Carbon, Director of Public Works, noted his intention to present a comprehensive review of the technology at the conference.

Mayor Seiler requested the item be presented to the Sustainability Advisory Board at their meeting tomorrow. As to a pilot approach, Ms. Davis was concerned about the financial investment and the potential that Hilton would be required to remove them. There was consensus that Hilton would not be required to remove them. Mayor Seiler thought noise would need to be monitored. Commissioner Rogers inquired, but Ms. Davis did not know the specifics of the grant or installation dollar amounts. Commissioner Rogers was a little concerned about setting precedent without firm parameters. Mayor Seiler requested staff present a pilot program proposal.

#### Events and Matters of Interest

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

#### Utility Communication Service Cabinets

Commissioner Roberts requested the City Manager followup to work with utility companies concerning maintaining landscape materials around utility cabinets. He felt it is important to address this.

#### Council of Civic Associations Representation on Visioning Committee

Mayor Seiler wanted to expand the Visioning Committee's membership to include an appointment from the Council of Civic Associations and asked the Clerk to bring back the necessary legislation. He agreed with the Council's recommendation of the first vice president, Marilyn Mammano. There was no objection.

#### Visioning Committee Logo

Mayor Seiler felt the proposed logo developed by the Visioning Committee could be improved upon. In speaking with members individually, he gleaned there was no endorsement to their proposal by some of the members as well. Chaz Adams, Public Information Office, reviewed what was done by the consultant and committee on this topic. Mayor Seiler suggested a contest where the Visioning Committee would rank the top four logos and there would be an online vote. Vice Mayor DuBose wanted to see the logos before they are placed on the City's website for a vote. Mayor Seiler asked that the four logos be emailed to the Commission.

#### City Manager Reports

##### Beach Concession Request for Proposals

The City Manager noted that Commissioner Rodstrom raised a concern that the contract term is limited to three years. He recommended an ordinance change to provide for a five-year period in order to allow for the vendor to recapture their investment. This would be more consistent with other capital contracts. There was consensus approval.

City Manager's Office Reorganization

The City Manager advised that the existing three assistants will be scaled back to two and the existing three assistants to the city manager will be scaled back to two. He announced that Stanley Hawthorne will be joining the City as Assistant City Manager on July 5.

Budget

The City Manager advised that the proposed budget will be formally submitted for the July 6 conference meeting with the tentative tax rate. Because he has recently come onboard, there will be another version of the budget provided to the Commission some time before the end of the summer break.

There being no other matters to come before the City Commission, the meeting was adjourned at 10:28 p.m.