

FORT LAUDERDALE CITY COMMISSION CONFERENCE MEETING
JULY 6, 2011

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CITY COMMISSION CONFERENCE MEETING

1:37 P.M.

July 6, 2011

Present: Mayor John P. "Jack" Seiler
Vice Mayor Bobby B. DuBose (arrived at 2:13 p.m.),
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 Harvey Jacques

I-A – Central Beach Master Plan – North Beach Area Uses

Ella Parker, Planning and Zoning, introduced this item by indicating this is about introducing some neighborhood serving uses into the North Beach area that was recommended by the Sasaki Beach Master Plan.

Courtney Crush, representing Par Sanda and Karen Johnson of Pan Properties, advised that Pan Properties has been acquiring and renovating some of the small motels and apartment buildings in the North Beach area. The experience that they would like to create is not contemplated in the zoning code. She reviewed slides on this matter that are attached to these minutes. This discussion has to do with two zoning districts: North Beach Residential (NBRA) and A-1-A Beachfront Area (ABA). She chronicled the history of the definition of hotel accessory uses in Section 47-19.8 of the Unified Land Development Regulations (ULDR), indicating it seems to have always been tied to the serving of alcohol regulations. Pan Properties is proposing changing the definition to allow other accessory uses. They believe for properties on the interior of the beach and the A-1-A Beachfront Area District, there are uses that would serve the community although they would not meet the test of tourist serving. Pan Properties would like to work with staff to develop a list of non-appropriate uses for these smaller properties. As to their vacant parcels, she noted there does not appear to be any provision for interim uses in the code. They would like approval to make improvements including landscaping and a mobile café.

In response to Mayor Seiler, the City Attorney advised for the Riverside Hotel, the property was under the hotel's ownership and as such it was an interim use approved by the City. Greg Brewton, Director of Planning and Zoning, advised that there have been several discussions about use of vacant parcels. There are challenges such as responsibility for upkeep and liability. Commissioner Roberts noted there is property owner in this case. Commissioner Rodstrom supported the interim uses proposed as well as the pilot program idea and exploring amendments to the ULDR. A general discussion ensued concerning application of such changes. Ms. Crush added that Pan Properties does not want to meet parking requirements for the interim use proposals. Commissioner Rodstrom asked about placing conditions on the tourist related uses in the ABA. Mr. Brewton indicated a district could be created that would eliminate certain uses provided there is justification as to why those uses would not be permissible. Commissioner Rogers commented about the success of Fort Lauderdale beach has to do with the diversity of accommodations. He questioned taking away zoning to provide for a coffee shop or art gallery instead of what would otherwise be a motel as he did not

want to disrupt the balance. Mr. Sanda indicated there are approximately four hundred hotel rooms in this area. He felt there may be too many. Ms. Crush explained the only change in the ABA is the mix of uses, not a disincentive on hotel development. In the NBRA, they are speaking about accessory uses only with a lower threshold, not free-standing. Perhaps, there is a balance with respect to percentage and square footage. Commissioner Rogers concurred, but stressed it is something to carefully think through. Noise is another factor to consider. Commissioner Rodstrom agreed that if the intention is to add residential, careful consideration to the regulations should be taken. Perhaps, the entertainment portion could be added and monitored before residential is permitted. Ms. Crush thought a refined list of permitted uses could be developed. Commissioner Roberts thought the atmosphere he thought is the goal is subdued and European. The Breakers Avenue area is a great starting point and one that could be used as experimental area. It would be about cafes and shops, not nightclubs. He favored the concept moving forward. He appreciated the revamping. Mayor Seiler agreed with Commissioner Roberts. He reiterated his desire for a parking garage at the north end and elaborated upon the benefits including protection of the Bonnet House. He wanted to see a garage worked into this.

Mayor Seiler opened the floor for public comments.

John Weaver, representing Central Beach Alliance, presented his letter of support, dated June 10, 2011, that was made a part of the record. He was confident that Pan Properties will work with the Alliance on details. He elaborated upon the positive features. He agreed that parking needs to be addressed, but it is not part of their project. With respect to Dev Motwani's idea to change the ABA district to allow residential, the idea was presented to the Central Beach Alliance Board of Directors who could not think of any objection. Noise should be worked out before residences are built. Vice Mayor DuBose arrived at approximately 2:13 p.m.

Monty Lelwani, a member of the Central Beach Alliance, indicated he is also a business owner in the Sunrise Lane area for thirty-five years. He supported the proposal. He also supported allowing residential however noise should be maintained at an acceptable level.

Dev Motwani, 2600 Castilla Isle, supported the proposal. He felt the City needs to begin thinking of the public realm – streetscape to support these uses. He referred to points brought forward in the Sasaki Beach Master Plan: 1) promote a mix of uses and a mix of users and 2) create wonderful sidewalks with cafes, restaurants and shops. He pointed out that all zoning on the beach allows for a mix of uses however the beach has not been developed in that fashion. He read from the Sasaki Plan on this point and the need for mixed use projects to create a pedestrian oriented environment. Sasaki indicated that multiple studies have made this finding as well. He agreed it would be prudent to work with the residents in developing a list of uses. Overall, in pursuing a village environment, flexibility and market determination is needed. Perhaps there could be a way to expand the uses without having to come before the Commission. He presented proposed changes to the NBRA and ABA that were unanimously approved by the Central Beach Alliance Board. A copy of the changes is attached to these minutes. He believed these uses will reduce traffic because hotel use alone has more of an impact.

With respect to streetscape, Commissioner Rodstrom pointed out the Community Redevelopment Agency area boundaries do not extend to the NBRA area.

A general discussion ensued the mixed use concept and existing uses. Commissioner Rodstrom referred to noise and the conflict between residential and hotels and emphasized that the City needs to address it. Mr. Motwani agreed and noted that roughly fifty percent of the ABA is already residential. This proposal is not about adding a hotel next to residences, but rather adding residences next to a hotel or a mixed use building. Commissioner Rodstrom emphasized the need for much stricter guidelines and better enforcement. Decisions made in the past have not worked well with everyone. In response to Commissioner Rogers and Mayor Seiler, Greg Brewton, Director of Planning and Zoning, recalled the ABA area in the past being zoned B-1B beach business zoning and residential was not permitted at the time. He indicated that a timeframe could be determined with some research. Commissioner Rodstrom thought because of all the residential on the Galt, the thinking was to promote tourism in this area. It was pointed out that in the 1970's residential was not allowed according to the code. Mr. Motwani pointed out that there are already a number of condominiums in the area. He went on to note the purpose of the ABA area was to promote high-quality destination hotel uses and the number of hotels now in existence. However, the mixed use environment is lacking because of that restriction.

Sadler James, 3073 Harbor Drive, felt there has to be a happy medium with respect to noise. Concerning world class destinations, he pointed out that every instance is a pedestrian oriented situation where people can walk to and from where they are staying and enjoy boutique art galleries, bakeries and so forth, which is what is needed here. This precludes highrise development. He thought the City should allow for more than a single pilot project.

Fred Carlson, member of the Central Beach Alliance, welcomed this concept, but felt there should be checks and balances. He suggested a review process similar to that used for planned unit developments. More attention to the streetscape is needed.

Lester Zalewski, member of the Central Beach Alliance, agreed with most of the comments by other members of the Central Beach Alliance. He supported Mayor Seiler's idea of a parking garage by the Bonnet House. He hoped it would be a land acquisition and not a land swap. Concerning the Alhambra parking lot, it was originally set forth in the draft 2009 Beach Master Plan. He hoped the City would purchase additional property and expand the current parking lot. Also, it is preferred that CRA funds be used for purchase of additional land as opposed to construction on the Las Olas A-1-A parking lot. He referred to alleviating traffic congestion and indicated it is strongly recommended that the first two parking lots be fully developed and utilized. He urged the City to cooperate with the developers to improve this area. He noted that all of the points raised relates to the 2009 draft Beach Master Plan. He disclosed that he owns a property management and manages property in this area.

There was no one else wishing to speak.

Mayor Seiler concluded that there is consensus approval to move forward. The City Manager advised that he will provide a memorandum to the Commission outlining the time frame.

I-O – Annual Report – Police and Firefighters Retirement System

Michael Dew, chair of the Police and Firefighters Retirement System Board of Trustees, reviewed an overview of 2010 provided as Exhibit 1 to Commission Agenda Report 11-1066. A copy of his written statement is attached to these minutes.

Former Mayor Jim Naugle, member of the Board of Trustees, noted that all of the members on this board and probably the other board as well (general employees) have taken the extra measure of obtaining certification through an educational program. The certification has to be maintained.

Mayor Seiler and Commissioner Roberts recognized the positive, proactive attributes of the plan. There are only two or three items passed recently by the state legislature that actually impact the City's plan because of such proactive measures taken by City historically.

I-B – Aquatic Complex Redevelopment – Pool Design

Mayor Seiler noted that the major issue is whether to build two, fifty-meter pools or one fifty and one twenty-five. He was inclined to believe two, fifty-meter pools are best in order to attract the national events the City would like to attract. Upon inquiry, there were no members on the Commission who disagreed.

Mayor Seiler opened the floor for public comment.

Sadler James, 3073 Harbor Drive, agreed with two-fifty-meter pools, but indicated it raises a couple of questions. It was clarified that the intention is to build two, fifty-meter pools and a dive well and removable bulkheads. One of the fifty-meter pools could be used as a warm-up area. In response to Mr. James, Commissioner Rodstrom understood the City's fifty-meter pools are not in compliance with today's standards. Although the City's pools have been grandfathered-in as to lane width, Commissioner Rodstrom commented that the swimmers like to swim in a wider lane. Mr. James thought promises of events are not all realistic and if they were real, they would have already materialized. In addition to the pool size, there are other amenities that need to be provided, such as pool deck size, and locker features. While the construction occurs, current events will go away. He felt a time certain is needed as to when the project will be complete.

Dave Burgering, representing Fort Lauderdale Diving Team and U.S.A. Diving, favored two, fifty-meter pools. He mentioned an email sent to the Commission from Steve Foley, High Performance Director of U.S.A. Diving on what he believes is needed for the facility. A copy of Mr. Foley's letter, dated June 28, 2011 is attached to these minutes. In response to Commissioner Rodstrom, Mr. Burgering thought the depth and width are acceptable; the new standard is sixteen feet. He commented that the dry land facility planned is out of doors that will hamper practices. With an indoor dry land facility and the right configuration of diving boards, U.S.A. Diving will seriously consider naming the Aquatic Complex as their training facility and site for 2016 Olympic Trials. Commissioner Rogers requested more information concerning an indoor dry land facility. Mr. Burgering estimated 3,000-5,000 square feet, trampolines, dry boards, a gymnastics pit, safety harnesses. The facility could also be used for younger children tumbling classes. In response to Commissioner Rodstrom, Mr. Burgering believed an underwater window is included in the plans and went on to remark on the benefits. He

encouraged planning of features that would make this facility unique would be helpful in attracting users.

Bruce Wigo, executive director of International Swimming Hall of Fame (ISHOF), supported what is in the best interests of swimming and two, fifty-meter pools would be the ideal scenario. He supported Recreational Design & Construction, Inc.'s (RDC) proposal. He read an official statement from ISHOF Board of Directors, dated July 6, 2011, that is attached to these minutes. Initial conversations with respect to their fundraising campaign of \$4 million for a new museum and library building have been positive. There are concerns about the operational plan. A new agreement between ISHOF and the City will need to be negotiated. Mayor Seiler indicated one reason that led him to believe two, fifty-meter pools could be built, is that some of the originally projected costs were high, such as the cost of the pools and the dive well. Also, if parking revenues could factored-in, he felt it is a workable project. He would not object to RDC being the contractor, in view of what they have invested. He thought there are resources for two, fifty-meter pools and a top notch dive well. Mr. Wigo noted revenue contributed by the City or the Wave House operation has not been factored into operational cost. Concerning the Performa operational expense budget provided, it is the worse-case scenario, using geo-thermal heating rather than natural gas which would make the budget probably \$200,000 on the high side. He believed the operational rather than capital costs should be the concern. He agreed it could be lower. Commissioner Rodstrom asked if the existing locations are preferable for the new pools. Mr. Wigo thought that is a question for the experts, but commented generally on placement of the existing features and how those decisions came about. Mayor Seiler concluded by expressing the view that better use could be made of the space underneath the grandstands.

Mike Leonard, representing YMCA of the U.S.A., discussed his affiliation with the YMCA and desire to return to Fort Lauderdale as soon as possible once the construction is complete. He commended the City on the Aquatic Complex's features. Twenty long-course or forty short-course lanes is an extremely unique situation and not found in any of the other major hosting facilities. He hoped this standard would not be lowered. Hosting events is the driving force of making things work financially. Historically, the YMCA events over the years generate over \$60,000 income directly to the City. This is for just two weeks in April. Commissioner Rodstrom pointed out other positives of hotel rooms and so forth. YMCA has never been able to hold one of their events in Fort Lauderdale because of the pool depths; possibly this long-course meet could be held in Fort Lauderdale in July which would be \$40,000 rental fee revenue. He elaborated on other meets, nationals and championships that could be held at this facility. They are events where City staff has a relationship with officials and have earned the reputation of producing great events. He was confident guaranteed annual return of these events could be secured. From a national point of view, it is a huge deal to swim in Fort Lauderdale on the beach. He supported two, fifty-meter pools and urged the Commission to maintain the space and make it the very best. He promised with that being the case, events will come.

Carolina Bell, general manager of Best Western Oceanside Inn, commented on the revenue stream to the hotel that is attributed to events at the Aquatic Complex. She hoped the facility would be improved to state of the art.

Lester Zalewski, member of the Central Beach Alliance, saw this as a legacy project. He supported the fifty-meter pool concept. He presented an aerial photograph of the

subject area that was made a part of the record. He noted that the site narrows across Seabreeze Boulevards. He suggested the City purchase the Zuro's plat parcel that is adjacent and would allow for the full width of the site to extend to A-1-A. This would allow for Bahia Mar to be connected to the Swimming Hall of Fame which would facilitate synergy for parking and traffic congestion relief. He advocated the construction project have a firm completion date with severe penalties.

Doug Buchan, 1530 SE 12 Court, indicated he is a volunteer coach. He applauded the Commission for making the right decision. He commended City staff and Fort Lauderdale Aquatics for their skill in operating meets with efficiency that distinguishes Fort Lauderdale from other areas.

John Weaver, president of Central Beach Alliance, presented a letter, dated June 17, 2011, setting forth the Alliance's position, which is attached to these minutes. He was pleased to see that there is more discussion occurring with respect to the pool design. If the project is to be redesigned, it should be re-bid.

Duffy Dillon, Fort Lauderdale Aquatics, commented that the pools at the Aquatic Complex are the economic engine and Fort Lauderdale Aquatics is the marketing engine. Fort Lauderdale Aquatics does about ninety percent of the marketing for the Aquatic Complex. He elaborated upon their marketing efforts. He noted that Fort Lauderdale has hosted the national championships five times since 1979 in August. U.S.A. Swimming wants to come to Fort Lauderdale. If the facility is built, he believed events will return. There are features of the existing complex that could be better served with a re-design. He referred to a nine-year analysis concerning the nationals that was sent to the Commission on Friday. Two, fifty-meter pools are needed in order to accommodate the nationals. He delineated the consequences in existing programming if only one fifty-meter pool is decided upon. He believed experts are in place to operate the facility, however a world-class facility is needed. With more attendance, there is more economic benefit.

There was no one else wishing to speak.

Mayor Seiler thought there is agreement on the need for two, fifty-meter pools and a dive well. He wanted better estimates and suggested consulting those who have built them in the last couple years. The same would apply to the dive well. With this information, he believed it would then be in order to meet with RDC to determine if this could be accomplished under the current proposal including evaluation of including retail. Commissioner Rodstrom added that removable bulkheads on the floor should also be included. Mayor Seiler thought the various organizations should be informed that the City's long-term goal is to again host these events and be a major player in the national and international swimming and diving arena.

Commissioner Rodstrom understood that U.S.A. Swimming has sanctioned over 4,000 events each year. Laura Voet, Aquatic Complex Manager, advised that the City has hosted eight to ten. Commissioner Rodstrom noted that a market exists.

Within sixty days, the City Manager indicated that staff would like to present a business plan based on a redesign. Mayor Seiler asked that staff make sure that ISHOF is included in discussions.

I-C – Wind Turbines

Albert Carbon, Director of Public Works, noted at the Commission's request, this matter was presented to the Utility Advisory Committee, who subsequently unanimously supported the Fort Lauderdale Hilton Beach Resort project. With Commission consent, Hilton will go forward to the Board of Adjustment for a variance.

Donald Hall, representing the Fort Lauderdale Hilton Beach Resort, noted this request is presently scheduled to go before the Board of Adjustment on July 13. In response to Commissioner Rodstrom, Mr. Carbon explained the request already went before the Board of Adjustment, but the board wanted guidance from the Commission.

Mayor Seiler opened the floor for public comment.

John Weaver, president of Central Beach Alliance, indicated this project was presented to the Alliance, who is in support of it.

Lester Zalewski, member of the Central Beach Alliance, appreciated moving the turbines from ground level. He thought this is an excellent way for the city to go forward with green thinking. He hoped green thinking will be considered for future infrastructure projects. It is unfortunate that the utility lines for South Beach Parking Lot were not placed underground.

There was no one else wishing to speak.

In response to Commissioner Rodstrom, Jiro Yates of Falkanger Snyder Martineau & Yates, also representing Fort Lauderdale Hilton Beach Resort, advised that the turbines will be monitored to determine energy savings. Commissioner Rogers asked about performance and maintenance criteria. Mr. Carbon indicated this project will be used as a test and follow national criteria. As renewable energy sources are presented, it would be appropriate for staff to be directed to look at the Unified Land Development Regulations to develop criteria for future use in approving requests. Mayor Seiler indicated he would be concerned about any wind turbine being situated at ground level. He wanted to encourage the structures to be higher or off a building. Mr. Hall believed that this project will be helpful to the City in developing regulations and Hilton has offered to furnish information.

I-D – Relocation of Judge Shippey House to Cooley's Landing

Alysa Plummer, president of Sailboat Bend Civic Association, presented a letter, dated June 27, 2011, from CVM 1 REO, LLC, owners of the Shippey House, appointing Jacquelyn Scott to represent them for any permitting and have stated they do not wish to demolish the house, but simply to have it moved. A copy of this letter is attached to these minutes. They are willing to step back and allow this to happen. She thanked Riverwalk Trust and ReMax Preferred to helping. A 501c3 is being established for the Shippey House. Modern Movers will be moving the house and building the foundation. She offered to update the Commission within the next few days about a demolition bond. The City Manager explained the purpose of a demolition bond as he had explained it also to Ms. Scott. Ms. Plummer advised that this item is scheduled before the Historic Preservation Board next week. Genia Ellis, representing Riverwalk Trust, indicated that the Trust would like to occupy the Shippey House as a tenant.

Commissioner Roberts agreed in concept with this item and appreciated assurances of a bond, however, he still has concerns about the financial aspects. He recalled the actual move and site preparation for the Annie Beck House was \$70,000. Mayor Seiler stated that the Commission has taken a position that the City will not pay anything for the move, relocation. Commissioner Roberts pointed out that the Commission does not have anything specific to make the judgment. The Commission has not been provided with the bids. There is a big difference between \$70,000 and \$32,000 quoted in this instance. Commissioner Rogers noted that the City does not have any exposure until it is placed on City property. Vice Mayor DuBose understood that there will not be a move until they show that the money is available. In response to his question, the City Attorney advised that there are still outstanding issues: zoning and site plan as to the ultimate use of the house including the question of whether parking will be needed which could have to be taken from the existing marina. The building official has requested an engineer's certificate, confirming the house can be moved. Mayor Seiler concluded that with the letter presented, they have authority until August 15, 2011 to proceed with permitting and to continue with the finances. The City is not putting forth any dollars for this project. The City Attorney pointed out that the site plan does not meet setback requirements.

Commissioner Rodstrom believed a unanimous vote is required to rezone from park to another use. The park where the Annie Beck House was moved was zoned residential. The City Attorney advised that a community facility is permitted in park zoning. Some discussion ensued as to use of the house under park zoning including the need for required setbacks and parking. It was noted that Florida Inland Navigation District grant dollars were used in the development of this park and as such Mayor Seiler believed there would be restrictions on the parking. The City Attorney explained that the City cannot issue a permit until they have a place to move it. Mayor Seiler concluded if the money is raised to move the house and prepare the site, that then becomes the issue. Commissioner Roberts asked about issues relating specifically to site preparation in a park. The City Attorney believed the utilities are on the adjacent roadway.

Mayor Seiler asked about the potential of moving the house to the Rivermont site. Ms. Plummer commented that there may be some additional considerations for Rivermont because it is an Indian midden.

Concerning the difference in moving cost, Ms. Plummer indicated the Shippey House is contemplated to be moved 3-4 city blocks whereas the Annie Beck House was moved a couple miles. In response to Mayor Seiler and Commissioner Roberts, Ms. Plummer offered to provide a dollar amount for site preparation.

Mayor Seiler requested this item be placed on the August agenda for an update.

Continued on Page 9*

I-E – Reapportionment of City Commission Districts – U.S. Census Bureau 2010 Report

Mayor Seiler explained this has been prepared at his request for purposes of discussion. The matter will be publicly discussed and voted upon.

The City Attorney explained that the district population is out of balance according to what the statistical average population should be. Reapportionment is performed on

population. He developed a statistical average population that showed there is almost a fifteen percent deviation between some of the districts. Exhibit 2 to Commission Agenda Report 11-1014 is a precinct map with population according to census tracts has been superimposed. It became apparent that certain districts were short. He developed two options that brought the districts to within 1/8 percent deviation between districts. Based on federal standards, the courts have looked at a population deviation of under ten percent between the districts themselves as acceptable. Two options have been provided as Exhibit 1 to the commission agenda report. A copy of Exhibit 1 is attached to these minutes.

Continued below*

I-D – Relocation of Judge Shippey House to Cooley’s Landing

Continued from Page 8*

Paul Cailaud of ReMax Preferred, advised that ReMax International and ReMax Preferred are spearheading a portion of the project, moving the house to Riverwalk. ReMax International is coordinating a fundraising event which he elaborated upon. They hope to raise somewhere between \$25,000 and \$35,000 with this fundraiser as well as other efforts with business leaders in Fort Lauderdale and elsewhere. The 501c3 must first be established before an event date can be selected. Everyone is confident that the funds required for the move are secure, judging from commitments from industry leaders in the community and ReMax. He anticipated an overage at the end of the event. He estimated the entire project to be less than \$175,000 for Riverwalk Trust to use the house as an office.

I-E – Reapportionment of City Commission Districts – U.S. Census Bureau 2010 Report

Continued from above*

Commissioner Rogers pointed out that District 4 has representation in neighborhoods, the downtown and the beach, which he hoped would continue. Another public policy question is whether more representation for a particular area is better than less. He believed that it is better to have more representation spread amongst the Commission for the beach because it is one of the greater assets of this community. There is currently a good spread of representation on the beach at this time; he did not think that should change. He discussed the pros and cons of having more representation for the downtown. In response to his question, the City Attorney advised that the City may request precinct boundaries be changed by the Supervisor of Elections if the City finds it is necessary with their reapportionment of City Commission districts. Commissioner Rogers thought a little more study is needed. Mayor Seiler did not see the need to retain a consultant to basically interpret census data. He gathered that all commissioners are satisfied with their districts. There could be some tinkering to stay within the percentages and the City Attorney has proposed one example. He did not want the process to become one of elected officials selecting their voters. Commissioner Rogers agreed. However, he referred to Option 2 of Exhibit 1 to point out that there are two differing neighborhoods in Precinct R049, Colee Hammock and Beverly Heights. Like the beach, Las Olas Boulevard is an asset that must be preserved. Thought should be given to whether there should be one or two commission member representatives.

Mayor Seiler asked about the timeline. The City Attorney explained with a City election in 2012, district changes probably need to be furnished to the Supervisor of Elections in November. It will require an ordinance with two readings, therefore an answer is needed by the first meeting in October. He did not think the Supervisor of Elections will have time to change the precinct lines to meet the election, therefore the same districts will likely be used. Vice Mayor DuBose pointed out he and Commissioner Rodstrom have people voting in the same place. The City Attorney noted that neither of the options in Exhibit 1 changes those areas (Precincts R087 and R043).

Mayor Seiler suggested scheduling two meetings to hear from the public and for the Commission to discuss the outcome of the hearing. It needs to be concluded by the second meeting in September. Vice Mayor DuBose was concerned with adding three additional meetings in addition to the budget. Mayor Seiler requested one public hearing be scheduled for the end of August and from that point forward, the Commission will decide whether another meeting is needed. Commissioners may discuss their ideas with the City Attorney in the interim. He stressed the goal of continuous compact districts avoiding over-analysis of voting patterns.

City Commission Reports

Rescheduling August 16, 2011 City Commission meetings

Mayor Seiler noted it has been suggested that the August 16 City Commission meetings be moved to August 23. Vice Mayor DuBose indicated he would not be able to attend on August 23. Mayor Seiler pointed out that historically items of a particular interest to a Commission member who is not present are deferred. After a general discussion, there was consensus that the August 16 City Commission meetings would be moved to August 23, 2011, although Vice Mayor DuBose was not in favor. Items of particular interest to Vice Mayor DuBose would be deferred. The City Manager noted that the rezoning on the evening agenda that was to be deferred to August 16 should be deferred to September. The City Attorney noted a walk-on resolution will be presented this evening for the meeting change.

Continued on page 21

I-F – Dog Park on Vacant City-Owned Lot – 825 East Sunrise Boulevard – Pet Supermarket, Inc.

Terry Rynard, Acting Director of Parks and Recreation, explained that Pet Supermarket have approached the City with a proposal to donate some amenities on a vacant parcel at 825 East Sunrise Boulevard.

Diane Holtz of Pet Supermarket, Inc., noted Pet Supermarket at Sears Town was moved to a newly constructed building adjacent to the vacant parcel. Pet Supermarket learned that the parcel was not going to be used by Fire Rescue and thought it would be an opportunity to donate what would be required for a dog park on the site estimated at \$200,000. Pet Supermarket is one of the largest employers in Broward County with 341 employees. She provided some historical information about Pet Supermarket. They have modeled the park from Bark Park at Snyder Park. The Improvements would include a road through the park, parking spaces, safety entrances. There would be separate areas for small and large dogs. Pet Supermarket would like exclusive use of

the park for events such as those produced by the Humane Society or pet rescue groups. Pet Supermarket would like to have its name on the park. Pet Supermarket would enter into a five-year maintenance agreement for maintenance of the equipment, property, lights and sprinklers. If the City wishes to continue using the property as a dog park, Pet Supermarket would like the first right to continue the maintenance agreement. They would be willing to provide \$1 million of insurance.

Darryl McCann of Gregory Lombardi Design, also representing Pet Supermarket, explained the idea is to provide a two-way access drive from 9 Street and elaborated upon access and traffic flow, parking and amenities including landscaping. In order to continue the look of Pet Supermarket's building along Sunrise Boulevard, it is proposed that piers would be installed along with 4 foot aluminum picket fencing and a monument sign at 9th and Sunrise that would identify Pet Supermarket and the City as providers of the park. The fence would continue around and double on each side of the two-way drive in between (two park areas). A copy of Exhibit 1 to Commission Agenda Report 11-0575 containing the proposed site plan and photographs of the amenities including a monument sign is attached to these minutes.

Mayor Seiler advised that the monument sign, advertising Pet Supermarket, is an off-site sign and not permitted by the City's sign ordinance. Commissioner Roberts was concerned about restricting the City's use of the property after a five-year period. Ms. Holtz thought as long as Pet Supermarket has the maintenance agreement while the property is a dog park would be acceptable. She inquired about signage on the east side of the building. The City Attorney indicated as long as the total square footage of signage for the building set forth in the sign regulations is not exceeded, it would be permissible.

The City Attorney noted another question is whether it will be a City park and Pet Supermarket will maintain it via maintenance agreement or it will be a revocable license. It cannot be a lease for more than a year without bidding it out. Ms. Holtz indicated they intended to gift it to the City and enter into a maintenance agreement. The City Manager understood it would be a City park and Pet Supermarket would enter into a maintenance agreement. The City Attorney indicated that could be accomplished.

Mayor Seiler noted there are no immediate plans for the property and there is a need for a dog park. He suggested five years and a maintenance agreement with Pet Supermarket with the City deciding in the future as to its need for this parcel. In response to Commissioner Rogers, Mayor Seiler indicated that he receives offers on this parcel all of the time, but it may be needed for the Florida East Coast Railroad (FEC commuter station). The City Manager understood as part of a transportation project, siting an FEC station, there will need to be a land swap. Staff does not recommend selling the property until the details of what will be needed for the FEC swap are known and that is about five years into the future. Once it is established as a dog park and people get used to using it as a dog park, there will be an expectation for a dog park to be provided. The City will need to identify a location. The City Auditor thought the financially prudent course would be to sell this property and buy property if necessary at some point in the future for the FEC rail line. It would likely be relatively difficult to find a willing landowner in that area for a swap. It would be an easier transaction to sell the parcel and use those funds to buy a parcel in the future. He did not think people using this park will give it up in five years. Unless the FEC has identified this parcel, Commissioner Rogers questioned the City taking the position that this parcel can be used in a swap. The City Manager indicated there have only been conceptual

discussions. Commissioner Rodstrom noted that property values are low now. The City Auditor noted that the appraised value of \$880,000 was based on the Pet Supermarket sale at that location, therefore it is current fair market value and a very representative price. Commissioner Rogers agreed it would be great to have another park like Snyder Park, but he thought the City is putting itself in a box. Mayor Seiler thought while the property is being held for the FEC, it could be used in the interim. Commissioner Roberts agreed, but wanted flexibility after a period of five years. If the swap does not take place, the market value will hopefully be up by that time and the City could get more than their purchase price. Mayor Seiler noted this property was brought to the Commission's attention when surplus properties were reviewed and the conclusion was that it would probably be needed for the FEC railway project. Commissioner Rogers referred to shortfall in the upcoming budget and this is an opportunity to sell property for \$880,000. In response to Mayor Seiler, Ms. Rynard advised that the City paid \$567,000 in 2003. Ms. Holtz thought development of the property as a dog park will enhance the area and probably make the property more valuable in five years. Commissioner Rodstrom indicated that the neighborhood would think this is good use of the property; she had no objection to this temporary use. Vice Mayor DuBose was not opposed for a temporary use, however, he thought issues raised by the Auditor should be considered.

There was consensus approval to move forward with Pet Supermarket's proposal to make this donation and enter into a five-year maintenance agreement. The signage must be addressed.

Note: The City Commission recessed and reconvened at 8:12 p.m. Vice Mayor DuBose arrived at approximately 8:58 p.m. as noted.

I-G – Marshall's Point Bridge Noise Mitigation – Cost-Sharing with Broward County

Albert Carbon, Director of Public Works, referred to a letter from Broward County Vice Mayor John Rodstrom, dated May 25, 2011, and provided as Exhibit 1 to Commission Agenda Report 11-0833, to advise that Broward County has requested the City support funding of this noise mitigation in the amount of \$152,000 which represents a 60/40 percent split with Broward County bearing 60 percent or \$228,000. City staff agrees the proposal will result in a 10 percent noise reduction. Commissioner Rogers explained the physical features of the bridge that cause the problem. Mayor Seiler questioned how a request to the City for 40 percent funding has come about when it was on the County Commission agenda for August 31, 2010 for funding in the amount of \$380,000 from the County budget. Also, he thought a ten percent reduction is negligible. Mr. Carbon advised the consultant's report (also part of Exhibit 1) lists a number of area bridges that have been provided with this mitigation feature, being Oakland Park Boulevard, Sunrise Boulevard and Las Olas Boulevard bridges in Fort Lauderdale and PGA Boulevard and Hollywood Boulevard. Newer bridges already had this integrated into their structure. The reduction is usually about 40 decibels. Commissioner Rogers noted that Vice Mayor Rodstrom indicated that he was not successful in getting a majority vote without a cost-sharing. This issue dates back to before February of 2009. Mayor Seiler reiterated his question of whether 10 percent will make a real difference. Mr. Carbon indicated it is significant. Commissioner Rogers indicated that he has been under various bridges in the City and there is no doubt this is the loudest one. Mayor Seiler referred to testimony of Mr. Ziffer and then Commissioner Rodstrom (Exhibit 1) about the decibel rating being cut down from over 90 to 80 and that it would still be unacceptably loud. He did not think a 10 percent reduction would be satisfactory. Mr. Carbon referred to Mr. Hui's testimony

of 60 to 67 decibels and getting under the 60 range. Also, he noted that the County Commission recommended moving forward with the project.

Mayor Seiler opened the floor for public comment.

Andy Ziffer, 525 SW 5 Street, indicated he is a member of the Tarpon River Civic Association, advised that the County Commission decided to request a 50/50 cost-share with the municipality for any noise mitigation. It was changed to 60/40 at Vice Mayor Rodstrom's request. The consultant provided a lengthy explanation that the reduction is really more than 10 percent. When vehicles hit the light weight concrete on the improved bridges, there is no noise. One concern is if the pathway is not hit, there will be full noise, therefore there has been a push to make the pathway as wide as possible. The report indicates that the bridge can accommodate all of the lanes at 24 inches in width and no less than 18 inches is recommended. He believed the proposal will work. He mentioned two residents who planned to speak, but had to leave.

In response to Commissioner Rogers, Mr. Ziffer advised that this has been ongoing since 2008.

In response to Commissioner Rodstrom, Mr. Ziffer indicated there were plans for steps to be built on one side, but it is not happening at this time.

There was no one else wishing to speak.

Mr. Carbon confirmed for Mayor Seiler that Broward County is having all of the traffic mitigation for the stadium development to be borne by the City. Commissioner Rogers indicated that the traffic mitigation cost may be passed onto the developer. He felt this is the best that the County will offer based on the times. It has been ongoing for four years; it impacts quality of life. In response to Mayor Seiler, Mr. Carbon was uncertain of the municipality's contribution for the other bridges listed in the report. The County owns three bridges within Fort Lauderdale: Marshall's Point, 3 Avenue and Andrews Avenue. Neither 3 Avenue nor Andrews Avenue have any noise mitigation. Mayor Seiler thought the City should return to the County on traffic mitigation issues and indicate there should be equitable sharing. Commissioner Roberts agreed, but this issue has to do with a neighborhood quality of life issue and he supported the request. The other County bridges in the city do not impact neighborhoods. Commissioner Rogers explained that the other bridges have a shorter crossing span. He also agreed about approaching the County on cost-sharing generally. The City Manager indicated that the joint meeting with Broward County Commission may now get scheduled for October. Mayor Seiler and Commissioner Rodstrom suggested cost-sharing be an item for discussion.

There was consensus approval as submitted (Funding would need to be allocated from Fund Balance or programmed into the CIP).

I-H – Centennial Legacy Project – Monument Placed at Sistrunk Park and E. Clay Shaw 17th Street Bridge Decorative Lighting – Centennial Celebration Committee

Chaz Adams, Public Information Office, highlighted information in Commission Agenda Report 11-0712. On May 4, the committee voted unanimously to provide the Commission with an update on the lighting and to support the monument. Mayor Seiler wanted to revisit the costs as they are higher than expected. In response to

Commissioner Roberts, Alfred Battle, Northwest Community Redevelopment Agency (CRA) Director, indicated that the monument concept was presented at a District III meeting. The Northwest CRA paid for the artist to develop the model concept and provide a cost estimate. In response to Mayor Seiler as to the monument, Mr. Adams advised that the bird is six feet in height and the sails are ten to twelve feet in height. Mr. Battle believed there have been discussions between the Vice Mayor and his constituents on the design. Mayor Seiler pointed out that the intent was for the private sector to raise the funds and he questioned whether there would be excitement for the project based on a cost in excess of \$1 million. Perhaps, it could be scaled back. Mr. Adams advised for the total centennial project not quite \$200,000 has been raised. Some of it has already been spent for other projects throughout the year. In response to Commissioner Rogers, Mr. Adams indicated that the City Attorney's Office has advised if fundraising is done specifically for the legacy or capital projects, the fundraiser's contract would need to be amended. Commissioner Rogers pointed out that the fundraising could occur over multiple years, but a real number as to the cost is needed. As discussion turned to the cost of the lighting increasing, Mr. Adams explained that there were many variables that many of the submitters had not thought through in advance, specifically installation of the lighting on the existing bridge. Commissioner Rogers thought these projects could be marketed if real numbers are determined.

Mayor Seiler requested this item be deferred to September 7, 2011. He was not comfortable with the numbers.

I-I – City Healthcare Coverage to Domestic Partners

Vice Mayor DuBose returned to the meeting at approximately 8:58 p.m.

The City Manager advised at the request of the Commission an analysis on this item was conducted. Staff believes healthcare coverage for domestic partners could be provided with minimal impact on the health plan. With Commission consensus, staff will proceed with drafting the required resolution and be effective with the new plan year in January and open enrollment in October. At least one year of experience would be needed to judge the real impact. In response to Mayor Seiler, the City Manager indicated the eligibility requirements shown in Exhibit 1 of Commission Agenda Report 11-0832 would be considered by the Commission when the resolution comes forward. Commissioner Rogers pointed out that there is already a \$1 million deficit in this fund and this would add more risk to the plan. He was concerned about protecting the City against abuse. Mayor Seiler noted that the eligibility requirements would need to be very strict. The City Manager advised that the City has a limit on its specific claims and its aggregate claims to protect against abnormal risk. Commissioner Rogers thought the rates could go up if there was a catastrophic loss. The City Manager contended that would be the case with the paid policy as well because premiums would be based on experience as well. There is no indication that there would be a higher experience factor for domestic partners. Adding more bodies to the plan has exposure but it is not any different than adding a number of people who happen to be married. Mayor Seiler thought the same risks exist. Commissioner Rogers asked if there is a waiting period of time from when one registers with Broward County (Domestic Partner Registry) and when benefits would become available. The City Manager advised that there is no waiting period under the current plan. Mayor Seiler did not think a waiting period should be imposed for one group and not the other. A brief discussion ensued concerning the idea of imposing an initial waiting period. Commissioner Roberts pointed out that when

the pool of participants is expanded, there are more people paying into it. He favored the proposal. Adjustments are being made to address the deficit.

Mayor Seiler opened the floor for public comment.

Michael Rajner, P.O. Box 2133, Fort Lauderdale, commented that the community has been waiting for this for some time. He hoped that the same benefits are provided to domestic partners as provided to married individuals. He elaborated upon the advantages and stressed the importance of treating all families equally.

Miriam Richter, 6700 NW 28 Terrace, indicated that her domestic partner is a City employee. She discussed the challenges of securing insurance as an individual.

Marc Dickerman, 1417 SW 2 Street, supported the item.

There was consensus approval to proceed as presented.

I-J – Procurement Code Amendment – Reverse Auctions

Kirk Buffington, Director of Procurement Services, explained this is another method of competitive solicitation that could be added. In response to Mayor Seiler, Mr. Buffington explained this method could be used for items that are easily identifiable and have a relatively large market place. Police vehicles or large trucks are examples. Commissioner Roberts spoke in favor of the concept.

There was consensus approval to proceed as presented.

I-L – Florida League of Cities Board of Directors – Ten Most Populous Cities Seat

There was consensus approval for Mayor Seiler to continue serving in this capacity.

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

There was no objection.

I-N – 2012 Beach Festival Featuring an Air Show

Mayor Seiler explained that this organization asked him if this could be scheduled on the agenda.

Stan Smith of Air Lauderdale Beachfest, indicated this was started in 2008. He highlighted their past efforts in attending meetings to address questions in the community. He introduced Ted Plana of Air Operations, noting that Mr. Plana was responsible for the air portion of the thirteen air shows held in the City. He is familiar with all of the inner workings of the entire show. He has spent the last 1 ½ years leading their negotiations with the sponsor team as well as financial arrangements.

Mr. Plana discussed his experience in producing air shows including those held in Fort Lauderdale and commented that this show has many unique features. He designed the air show location. Standard air show plans do not fit into Fort Lauderdale. Fort Lauderdale impacts three international airports. He designed the moving of planes to

Opa Locka at the request of Broward County. This proposal is for a family-oriented festival with part of it being an air show. He commented on the challenges with sponsors when the show is free. He believed that the plan has already addressed issues with pedestrian and vehicular traffic. He looked forward to producing this festival in 2012.

Mr. Smith noted that the military form (2535) to request military participation is due at the end of this month. He requested it be executed by the proper City Officials along with the amended contract approved in 2010.

Mayor Seiler opened the floor for public comment.

Dev Motwani noted last month he presented an air show proposal, Lauderdale Air Show, LLC, with his partner, B. Lilley, Inc. for 2012. B. Lilley is the founder of two successful air shows in Cocoa Beach and Ocean City, Maryland. He noted the extensive time they devoted speaking to City officials and did not understand there was any competing show. He appreciated the City's support for this show that is planned in conjunction with fleet week for next year.

Commissioner Roberts asked about proposed dates. Mr. Motwani advised that Lauderdale Air Show dates are April 28 and 29, 2012. Mr. Smith indicated that Air Lauderdale Beachfest would like to use the 2535 military form and start with a date the City has in mind.

In response to Commissioner Rodstrom as to potential cost reduction by the City, Mr. Smith indicated that they would comply with the contract in place, although it would be helpful if the \$1 million bond could be reduced.

Mr. Plana explained historically Fort Lauderdale air shows were held the last weekend in April because of the Arvo convention. Easter sometimes conflicts with the weekend before the last weekend in April. The idea was to extend the season. Commissioner Roberts noted a past conflict with Mother's Day. Mr. Plana elaborated upon why it was never scheduled later in the year.

Commissioner Roberts thought the Commission had made a commitment to Lauderdale Air Show at the last meeting (June 21, 2011). Mayor Seiler thought that a commitment was made to go forward, however, Air Lauderdale Beachfest indicated they were still interested and never got an opportunity to present. Apparently there are competing proposals. In response to Mayor Seiler, the City Attorney was not aware of any obligation on the part of the City to either party. Mr. Smith indicated an amended contract was unanimously supported which he had in his possession. Commissioner Roberts recalled it did not proceed because of the expense. There were also issues relating to the plan especially from a public safety aspect. Mr. Smith noted in all of the discussions, it was clear that regardless of the event size, they would be charged for City services for the entire four-mile beach; there was no way to lower the cost by adjusting the footprint. In response to Vice Mayor DuBose, Mr. Smith advised that the City approved the option of a fee but Lauderdale Air Show had not made a final decision on how to proceed. An important element had to do with security and the potential for hidden firearms. Mr. Motwani believed last year's show was planned to extend to Alhambra Street. Lauderdale Air Show's center is much smaller. There is a ticketed area at show center that includes a family zone. They anticipate assuming all City service costs. They are moving forward based on the Commission's last meeting (June 21). Vice Mayor DuBose questioned when the City became aware that Air Lauderdale

Beachfest wanted to come back and try again. The City Manager advised that staff was not aware of a competing air show or alleged commitment by the City to work with another air show promoter. This came to staff's attention after the B. Lilley presentation. Commissioner Rodstrom and Mayor Seiler recalled the question was posed as to whether Mr. Smith had any involvement. Commissioner Roberts was inclined to proceed with Lauderdale Air Show discussed at the June 21 meeting, however, he felt it could be left open to competition for the next year. He was concerned about time running out if a decision has to be reached between two competitors.

Mayor Seiler read an email sent on June 20 from Stan Smith to Art Seitz with copies to the Commission and indicated this is where he felt the confusion arose. "Over the past year and one-half we have maintained an open dialogue with Mayor Seiler in our efforts to bring back a world-class event to our beach and hopefully include an air show component. We also have been in contact with Brian Lilley over the past year and are optimistic for success as he appears before the City on Tuesday to discuss a possible air show for 2012." Mr. Smith explained he thought he had an agreement with the City. An open dialogue with the Mayor had been maintained over the past 1 ½ years while they worked to put the financing together. The email was in response to an email from Mr. Seitz and because he had learned about the other group from the newspaper. Commissioner Rogers questioned why there was not more communication with the City. Mayor Seiler pointed out that the contract only provides exclusivity for 2010. Mr. Smith explained in their minds nothing had changed other than the missing piece was the financial. He had kept an open dialogue with the Mayor, saying that they were still working on it. He had no idea that Mr. Motwani was working on it. Mayor Seiler explained after reading this email, he thought Mr. Smith was associated with Lilley. In response to Vice Mayor DuBose, Mr. Motwani stated that he had no idea that Air Lauderdale Beachfest had any aim for 2012. With Mr. Smith at the June 21 meeting when Lauderdale Air Show made a presentation, Commissioner Rogers questioned why he did not say something. Mr. Smith indicated he was checking as to whether the money was in place. To his knowledge, there has never been an event in the City's history where a \$1 million bond was required. The last estimate for City services he received was \$600,000 to \$750,000, however a different number was expressed at the meeting. Mr. Plana indicated the bond was not even that high to do work in New York City. It is almost double of anywhere in his experience although it is could be worked with if that is the requirement.

Fred Carlson, member of the Central Beach Alliance, advised when B. Lilley, Inc. made a presentation to their board on June 23, there was no indication that there was a competing group. Their show was to extend the length of Birch State Park. He thought the earlier proposal was to be in the area of Bahia Mar which would have impacted the flight envelop for the airport. He was perplexed that such a mistake could be made. He has a bad taste in the mouth for the event not occurring in 2010. As the Alliance's liaison to the Commission, he reported that the board approved the Lilley proposal. They indicated that they had cooperation from the military contributors to the show.

Chuck Malkus, 2132 NE 62 Court, indicated that he was a volunteer for the U.S. Navy and continues to be a volunteer consultant to them. He also serves on the Beach Redevelopment Board and on June 20 the Lilley group made an awesome presentation. The board voted to support them. The Lilley group's show is four hours which allows businesses to do something with the crowd assembled on the beach at that time. The U.S. Navy feels an air show is very important to support their plans for 2012. He remarked about disappointment when announcements were made about an event in

2010 and then it did not happen. He supported B. Lilley. For Mr. Malkus' benefit, Mayor Seiler explained how the item came to be placed on the agenda. He further noted his misunderstanding of Mr. Smith's June 20 email.

Commissioner Rogers thought Mr. Smith would have said something at the meeting if he had an interest; it did not make sense. Commissioner Rodstrom commented that when she saw Mr. Smith in the audience she thought he was part of the group. Mr. Smith believed that Air Lauderdale Beachfest still has a contract with the City. Mayor Seiler noted that the contract is an exclusive for 2010. The City Attorney believed that the contract anticipates the event will be held annually which did not occur. There is a termination clause which the City did not give, but anything beyond 2010 was by mutual agreement of the parties. Mr. Smith pointed out that they did not receive any communication suggesting there was no contract. After reading about it in the newspaper, he came to the meeting and anticipated Lilley would have to go through the same process to get a contract in order to get form 2535 to invite the military. The City Manager advised based on action taken at the June conference meeting, the City has executed form 2535. Mr. Plana advised that a show producer does not own a 2535, military asset. The City Manager understood that Mr. Lilley still needs to secure an agreement with the City to move forward. Staff is still analyzing costs. Mr. Plana noted section three of 2535 indicates certification that an agreement has been made with the sponsoring organization. From Mr. Smith's standpoint, an agreement had to be executed before 2535 was executed. In his fifteen years of experience with 2535, an executed agreement had to be in place. The City Attorney believed the contract anticipated it was a year to year agreement and if a year was missed, they were in breach. The question is whether the breach provision in Paragraph 25 requires a notice because that breach anticipates the 2010 action. He recommended both parties be authorized to apply for a 2535. At the next meeting, he would be prepared to speak to enforcement of this agreement. In response to Mayor Seiler, he explained the renewal option language in the agreement after 2010. Commissioner Rogers was concerned about the Navy's reaction to receiving two 2535 forms. The City Manager did not believe there is an agreement because 2011 never occurred.

Commissioner Rogers questioned whether there are contract requirements as to communication. The City Attorney explained the contract provides for notice of termination, but 2011 to 2015 is an agreement to agree and it is not within the four corners of the document, but rather a separate document agreed to at a later date. The question is whether the breach provision applies to 2012 when 2011 was skipped or does the termination notice apply. Off hand, he would say it does not apply. In response to Commissioner Rogers, Mr. Plana indicated his last communication with the City was to Mayor Seiler last November, indicating they were working on the finances. Mr. Smith advised that they thought there was an agreement in place.

Some discussion ensued about some of the proposal differences. Commissioner Roberts felt a commitment was made to the Lilley show, but wanted the two to compete for 2013. He agreed with Commissioner Rogers that it would have been helpful for Mr. Smith to have said something at the meeting (June 21). Commissioner Rodstrom raised the idea of both groups presenting their proposals, but was concerned about the time constraint. Vice Mayor DuBose continued to have questions as to how this point has been reached especially since both parties know each other. He was inclined to pick from the two proposals. Commissioner Rogers agreed with idea of both groups presenting their proposals and following the City Attorney's advice about submitting the additional 2535 form. The City Attorney did not believe the City is the applicant on the

2535, the requirement is for the City to express its support of the application. Mr. Plana noted the 2535 only applies to the Thunderbirds; all other military assets are not due until after October 1. Because the Blue Angels have switched to a two-year schedule, next year is out. Commissioner Rogers was not confident everything had been included last time for a successful show. He liked the idea of competition. He thought it was odd that Mr. Smith did not say anything at the meeting (June 21). Mayor Seiler emphasized that a decision needs to be made very soon. He thought the Commission could hear both proposals. Both promoter names could be submitted and as soon as a decision is made, an update made. He did not believe the City has a contract with Air Lauderdale Beachfest. Concerning the 2535, Mr. Plana advised that it could be signed by the City and it would then be assigned to whoever moves forward with the show. Commissioner Rogers wanted both groups to submit business plans with financial backing information to staff in advance. The City Manager emphasized the time sensitivity and the need for the agreement to be approved soon.

Mr. Malkus stressed the time sensitivity and emphasized sponsors and so forth need to be working as of yesterday. He wanted care to be taken that a second air show plan come to fruition. He reiterated his support in the group that appears to be ready to go. Mayor Seiler expressed his concern that the City does not have a contract with either party. Mr. Malkus questioned the status of securing sponsors and the financial wherewithal by both groups.

Mr. Motwani responded to Vice Mayor DuBose's previous question by indicating that they spent months meeting with staff, the Beach Redevelopment Board, the Central Beach Alliance and many members of the Commission individually. There was never any indication about the other group. He had the same understanding as the Mayor that when the show did not occur in 2010 or 2011, there was no plan going forward. He went on to say that Mr. Smith never approached him. He elaborated upon their progress and discussions with sponsors as well as documentation from their promoter as to success of events they have produced and support from corporations. There is not enough time for a show in 2012 if there is a delay.

Commissioner Roberts pointed out there is a proven commodity of a group that has produced air shows. Commissioner Rogers reiterated his preference that both groups do their due diligence. Mayor Seiler suggested calling a special meeting to select one. In response to Commissioner Rogers, Mr. Motwani explained the challenges with approaching sponsors when there is a perception that two shows were promised but did not occur. There is a small universe of sponsors that could support such an event. He was concerned about two groups approaching them. It sends the wrong signal to the market. He did not think the show could occur in 2012. They are comfortable moving forward without a contract at this point because they met with staff for months and months before coming before the Commission. In fairness to both groups, Mayor Seiler felt the Commission needs to make a decision on one. He did not want to wait until the end of August. Commissioner Rogers pointed out that the City has no proof that Lilley can raise the money. Mayor Seiler noted that both groups have experience producing shows. Commissioner Roberts pointed out that it would be problematic getting support from entities if two groups are approaching them. He agreed a decision needs to be reached quickly. The financial wherewithal and proven track record are the two issues. Mayor Seiler felt the City needs a contract. In response to Commissioner Rodstrom, Mayor Seiler clarified that both groups have agreed that the City will not provide any funding.

Mr. Smith thought it would be helpful to both proposers if the City could advise on what they think the cost of City services would be. He was told repeatedly that the cost for City services would be for the entire beach regardless of the footprint. He also wanted to know the bond requirement. The City Manager indicated that staff will not provide a number until they see the proposal. Mr. Smith wanted to know who pays for City services to people who go to the beach outside of the event boundaries and the City Manager explained it is the same as if there is no event in terms of paying for City services outside of the event boundary. Depending on the scale and time of the event, Commissioner Roberts indicated that there could be traffic impacts as far west as Sears Town, the Coral Ridge and Sunrise Intracoastal neighborhoods, beach residents and the downtown. He agreed there is a bigger impact than the beach where the show takes place. He referred to debates with the previous promoter as to public safety overtime costs being borne by the City. In response to Mr. Smith, the City Manager explained he has no way of providing the City services cost until the proposal is known. Mr. Smith advised this is entirely different than the previous instructions they were given and outlined in their contract. The City Manager explained that he cannot represent what staff did with respect to the air show prior to 2010. Today's approach is to cost out the proposal. In response to Mayor Seiler's question of whether there is a cost proposal in the contract from two years ago, the City Attorney indicated he did not see one, but believed it was close to \$1 million which was the purpose of the bond. In further response, the City Manager that staff is in the process of costing out the Lilley proposal and should have that number by the end of the week or early next week. Commissioner Roberts suspected it is apples and oranges because of the type of events. The Lilley proposal is a two-day, four-hour event whereas Mr. Smith's proposed event is longer.

Phil Thornburg, Acting Assistant City Manager, explained staff needs to really understand the proposal before there can be a cost-out and elaborated upon the challenges. Even though a show may be a block long, the impact to City services is much bigger. Both proposals will be treated the same.

Ms. Rynard asked for Commission guidance as to the military's form 2535. Mayor Seiler thought this point could be figured out once the Commission makes a decision. Some discussion followed as to the time needed by Mr. Smith to submit a proposal and previous discussions with staff. Commissioner Rogers encouraged Mr. Smith to submit his proposal by Friday so that staff could evaluate it and the information could be provided to the Commission by Tuesday. Mayor Seiler suggested that Mr. Smith provide his proposal to the City by Friday at 5 p.m. With consensus, Mayor Seiler called a special meeting for Tuesday, July 12, 2011, at 7 p.m. for presentations of approximately fifteen minutes to be made by each proposer and a selection made. Because of the short notice, Mayor Seiler asked for anyone who may need to attend by telephone to be accommodated. The City Manager asked that if there are any proposal changes, they should be submitted by 5 p.m. on Friday.

II-A - May 2011 Monthly Financial Report

Commissioner Rogers referred to page 4 and noted that the City expended \$6 million less than was budgeted. Although he is concerned about revenues, he believed the City is doing a good job with respect to expenses and cautioned that it should continue. Mayor Seiler drew attention to the health fund to note that the shortage is less than anticipated. In response to Commissioner Rogers, Shonda Singleton-Taylor, Assistant Director of Finance, was not aware of anything on the horizon that would throw the expenditure side of the budget off track. In response to Mayor Seiler's concern about the

franchise fee revenues, the City Manager advised that collections for franchise fees and utility taxes are down because rates have dropped and there was a mild winter. Also, he felt that revenues in this area were clearly overstated in the current budget. For example, franchise fees are budgeted at \$19 million yet the highest ever collected was \$17.6 million and on average \$17.2 million. The City Auditor added that projections are shown on pages 52 and 54.

II-B – Skylight Glass Panel Replacement at Public Works Utilities Administration Building – Emergency Purchase

No discussion.

II-C – Repairs to Two Mechanical Surface Aerators at Lohmeyer Wastewater Treatment Plant – Emergency Purchase

No discussion.

III-A – Communications to City Commission and Minutes Circulated for Period Ending June 30, 2011

Budget Advisory Board

Motion made by Mr. Snead, seconded by Mr. Dickinson, to recommend to the City Commission that they raise the \$10 parking fee limit and allow Parking and Fleet Services to look at particular areas for event rates or beach weekend rates to raise the rates to come closer to the market rate. In a voice vote, motion passed 7-2 with Mr. Silva and Ms. Hankerson opposed.

The City Manager advised that parking fees will be included in the budget submittal.

Police and Firefighters Retirement System Board of Trustees

The Board has accepted the 2011 Annual Actuarial Report. They plan to hire Pimco as a new manager in alternative investments. The administrator's contract has been renewed from 2011-2014.

Mayor Seiler noted that a presentation had been made to the Commission.

III-B – Board and Committee Vacancies

Note: Please see regular meeting item R-04.

Note: The City Commission recessed and convened as the Community Redevelopment Agency Board of Directors from 10:41 p.m. to 10:43 p.m.

City Commission Reports

Continued from page 10

Events and Matters of Interest

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

Sign Ordinance Review; Code Enforcement

Commissioner Roberts asked that the current review of the sign ordinance be expedited. He called attention to his previous mention of signage in Imperial Point Square shopping center. Also, there are numerous flag, banana type of signs along Federal Highway including the medians. Signage is appearing on the weekends. Therefore, he requested the Code Enforcement staff issue warnings that outlandish signage is not permitted.

“Green Your Routine” Program Awards

Commissioner Roberts believed the awards to neighborhoods in the “Green Your Routine” program is lagging behind. He asked that it be rescheduled so that it takes place in the appropriate year.

RAIDS Online – Regional Analysis and Information Data Sharing Website

Commissioner Rogers commented on the usefulness of this new crime statistics software. He asked that demonstrations be made at each of the commission district meetings.

Noise; W Hotel; Special Entertainment Districts

Commissioner Rodstrom discussed her work in trying to resolve noise issues in the Special Entertainment District, specifically outside entertainment in a hotel that abuts a residential area. A solution has not been reached. The City Manager and herself will be meeting with the hotel manager. She raised the idea of a zoning in progress for nine months while special entertainment districts that abut residential districts are reviewed. The hotel is actually not in a special entertainment district, but rather in a residential district. The City Attorney explained that the special entertainment district provides for extra hours, but does not allow for outdoor entertainment. Commissioner Rodstrom indicated that this hotel’s site plan did not show an outdoor use. She read a response from Assistant To The City Manager Richards, indicating they would be permitted to have outdoor entertainment with limited hours in the special entertainment district. She suggested addressing noise concerns from a noise disturbance perspective by the police instead of a land use code violation. If their special entertainment district designation is not approved, staff would again look at the land use issue. Commissioner Rodstrom concluded that the code is not being enforced while this matter is going through the channels. The problem is only on the back deck. Also, there is a five hundred foot distance required between special entertainment and residential uses which is not the case for this instance. The events are planned even though the hotel is aware that it is against the law. Mayor Seiler was interested in making an onsite visit when an outdoor event is actually occurring.

I-K – Fiscal Year 2011-2012 Budget Message

Note: Please see regular meeting item R-01.

City Manager Reports - none

There being no other matters to come before the City Commission, the meeting was adjourned at 10:57 p.m.