

FORT LAUDERDALE CITY COMMISSION CONFERENCE MEETING
OCTOBER 4, 2011

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CITY COMMISSION CONFERENCE MEETING 1:33 P.M. October 4, 2011

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

Also Present: City Manager Lee R. Feldman
City Auditor John Herbst
Senior Assistant City Clerk Jeffrey Modarelli
City Attorney Harry A. Stewart
Sergeant At Arms Sergeant Joel Winfrey

Absent: Vice Mayor Bobby B. DuBose

Mayor Seiler explained that Vice Mayor DuBose was in an automobile accident. This is an excused absence (pursuant to Section 3.08 of the Charter).

City Commission Reports

Events and Matters of Interest

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

Visioning

Commissioner Roberts referred to the first community meeting in District I on the visioning process. He felt it would be helpful for these meetings to be more directed. He wanted to discuss in more detail what should be the next step in the visioning process. Mayor Seiler agreed there should be a more organized format or program. He felt staff should work with the Visioning Committee leadership toward having a more regimented program.

Coalition Against Bigger Trucks

Commissioner Roberts indicated that the Coalition Against Bigger Trucks are asking for a resolution in support of regulating the size of truck vehicles in order to limit infrastructure damage. He asked the City Manager evaluate the matter for the Commission's consideration. Commissioner Rodstrom suggested this matter also be brought to the attention of the Metropolitan Planning Organization. Mayor Seiler concluded that this should be scheduled on a conference agenda.

Shippey House

At Commissioner Rogers' request, the following update was provided.

Alysa Plummer, president of Friends of Shippey House, elaborated upon the level of support being displayed, including inkind help. Jackie Scott, representing the Friends of Shippey House (FOSH), indicated that this endeavor has expanded to the county. She went on to list people who have jointed the board.

White Fly

Commissioner Rogers provided an update of what staff has done to inform the public and that he has requested the City Manager provide information on the City's website as to where the City has treated and when it was done.

Mayor Seiler requested Gene Dempsey of the Parks and Recreation Department be made available to attend and answer questions at homeowner association meetings.

Mayor Seiler opened the floor for public comment.

Fred Carlson, 625 Orton Avenue, inquired about the City providing information of licensed individuals in this field. Mayor Seiler did not think that would be appropriate as the City does not license this area.

Visioning

Commissioner Rodstrom indicated that she has received several calls from citizens in the northwest part of District II, saying that they did not feel there are enough stakeholders for this portion of the city. She has requested a stakeholder list with the idea of adding people.

Sunrise Lane Area; Village Merchants; Parking

Commissioner Rodstrom indicated this group is interested in knowing the status of parking in the area and a potential joint effort with the B Ocean Fort Lauderdale Hotel. The City Manager will be addressing this group next month. She suggested that the Director of Transportation and Mobility attend as well. Mayor Seiler had secured information on the Natchez (resort/hotel) property owner and requested the City Attorney pursue contacting the individual's counsel to determine if there is an opportunity to provide parking relief. Commissioner Rodstrom indicated that the Village Merchants would be supportive; they are interested in activating both sides.

City's State Lobbyist

The City Manager provided a status report on the City's State Lobbyist contract term for Commissioner Rodstrom. Mayor Seiler also provided information with respect to the state legislature, changes to their calendar as a result of redistricting coming forward in January and the resultant impact on the City. He asked the Commission speak with the City Manager individually and schedule the matter on the next conference meeting (October 18).

Kirk Buffington, Director of Procurement Services, advised this item will be on the October 18 conference meeting.

Because of the compressed schedule, Commissioner Roberts wanted to extend the current lobbyist contract for this legislative session.

I-A – Lower East Coast Water Supply Plan

Mark Elsner, South Florida Water Management District, (District) reviewed slides on this topic. A copy of the slides is attached to these minutes. He concluded by indicating that

over the last five years, a linkage between the City's local comprehensive plan and the District's water supply plan was formalized. The plan update process was kicked off with the District's governing board in May with an anticipated approval in September 2012, however, this schedule may be extended a little.

Mayor Seiler questioned what impact recent budget cuts will have on the District taking the lead on this endeavor. Mr. Elsner advised that this is part of their core mission and it is fully staffed and funded for the developmental planning. Mayor Seiler thought this will be the biggest issue to confront the southeast United States in years to come. If there are any anticipated funding cuts, he wanted to know in advance.

Commissioner Roberts commented that storage would appear to be an important component. Albert Carbon elaborated upon the City's efforts with respect to the C-51 Reservoir and indicated it will be a part of this plan. In response to Commissioner Rogers, Mr. Elsner advised that salt water intrusion is a big threat to water supply. In further response, Mr. Elsner indicated that there is an ordinance governing Broward County, creating a yearround irrigation ethic of two days a week. He elaborated upon the drought conditions. The District supports two days a week. He responded to Commissioner Rodstrom's question, indicating that the District is working with staff in the tri-county area to monitor sea level rise and do predictive analysis.

Mayor Seiler opened the floor for public comment.

Mr. Carbon responded to Sadler James, 3073 Harbor Drive, question, advising that the facility is not equipped to handle brackish water.

Mr. Carbon responded to Jack Newton, resident of Venetian Condominium, question about developer contributions, advising there are development impact fees charged by dwelling unit. There is an annual evaluation.

I-C – Request for Proposals – Beach Equipment Rental Concession

The City Manager advised that Vice Mayor DuBose requested this item be deferred for one meeting. Kirk Buffington, Director of Procurement Services, confirmed for Commissioner Rodstrom that the Commission has five to seven business days to review an RFP before it goes out. If necessary, the RFP would be revised.

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

The City Manager indicated that these settlements relate to the WaterWorks Program. Staff has been using a matrix which has never been provided to the Commission. In response to Mayor Seiler, he advised that the City's cost is being recovered. In response to Commissioner Rodstrom, the City Manager advised that he is working with the City Auditor with respect to code enforcement lien settlements and some policy recommendations will be forthcoming. Commissioner Rodstrom questioned if the costs that the City is attempting to recover are legitimate. The City Manager advised that the cost is essentially for the paperwork to put the case forward to the special magistrate. Mayor Seiler did not want to penalize property owners that comply by forgiving the non-compliant property owners of their financial obligations. The matrix should be maintained up-to-date in terms of cost recovery.

Mayor Seiler opened the floor for public comment.

Nick Tacquard, believed the penalty for missing the deadline to connect to the sewer system is too high. There is no blight. Code Enforcement staff does not have to drive by the property several times in order to enforce this. There are no phone calls involved. It is a low-cost offense. The penalty is \$1,700 and the cost of the work was \$1,200. It does not appear that the matrix gives respect to an individual's attempt to comply. He tried to enroll in a payment program but was unable to do so. He was not able to borrow the money. He made regular payments once he was able to secure the permit. If the lien is left on the property, it would not be resolved until the property is sold which could be several years. If the penalty was reduced by fifty percent or more, he would do his best to pay it within a six-month period. He indicated that the owner-occupied property next door was connected to the sewer system without any fee. It was clarified that the fee was extinguished in the new mortgage after the foreclosure.

During further discussion, Commissioner Rogers pointed out that the property is upside down and Mr. Tacquard has not walked away. This may be cause for some grace.

Mayor Seiler asked that the matrix be kept up-to-date. In response to Commissioner Rodstrom, Brian McKelligett, Code Enforcement Administrative Assistant, advised that it is reviewed annually. In response to Commissioner Rogers, the City Attorney advised that when the lien is set, there would have to be a specification that it would go forward with interest accruing.

Commissioner Rogers suggested an amnesty program in the interest of recovering some repayment now. The City Manager indicated that this is being explored. Staff is having a difficult time determining the actual debt amounts and so forth. The City Auditor advised that the total amount of outstanding liens at this time is \$153 million. Commissioner Rodstrom pointed out that these liens do not pose any visual problems. Mayor Seiler was concerned that the liens are not accruing interest.

The City Auditor commented that other types of liens do not have a similar matrix. Precedence begins to be set once the City begins to vary from a standard procedure in determining an appropriate settlement amount. He recommended expanding the matrix concept so there would be more objectivity in how lien settlements are conducted. Commissioner Rogers pointed out that the trade-off is that there is a disincentive to pay what is really owed. The City Manager believed that these matters should be heard before a special magistrate who would make a recommendation to the Commission. Mayor Seiler spoke of the advantages of a special magistrate process. Commissioner Rogers referred to people who are holding property with no equity. He favored a lump sum discount program that could offer some relief and bring some money in at the same time. Commissioner Rodstrom agreed. The City Auditor thought it is something to be examined to encourage compliance and some collection. The Commission should decide upon the level of discount. Because of the economic status, Commissioner Rogers thought a deeper discount might be considered.

I-B – Broward League of Cities – Initiatives

This item will be rescheduled as Cooper City Mayor Debby Eisinger, President of the Broward League of Cities, was unable to attend.

I-G – Reapportionment of City Commission Districts in Relation to U. S. Census Bureau 2010 Report

The City Manager advised that Vice Mayor DuBose requested he be present if there is any impact on District III. Mayor Seiler noted several options would impact District III. He went on to note extended deadlines for redistricting by other governmental agencies. Fort Lauderdale is in a unique situation. There is discussion about moving the election so that it may be as early as January. It would be possible to proceed with the current boundary lines. Commissioner Rodstrom advised that she would have an issue if the consensus is not to do anything. The City Attorney indicated that the timing would be to proceed within the next year. The Republican presidential primary has been moved to January 31 which means that the Supervisor of Elections cannot hold the City's primary in February pursuant to the charter. The City will need to move its primary to coincide with the presidential primary which also means the qualifying period will be changed to November 8 through 22. Even if an ordinance was considered today, there would not be enough time to get the information to the Supervisor in time to make the changes. If the ordinance was adopted on final reading on October 18, the Supervisor indicated she would work with the City in moving one or two precincts from one district to another. Any other changes in the process would make it impossible. If the item went forward this evening, he thought it would be in the 50/50 range. He noted the requirement that it be done after every census explained the timeline followed the last time there was redistricting. Commissioner Rodstrom wanted to take action on an option tonight that would not impact District III. In response to Commissioner Roberts, the City Attorney advised that second reading would have to be October 18. Commissioner Rodstrom remarked on the length of time that this has been in the works. She did not think the redistricting should wait another year.

No action taken.

I-E – Aquatic Complex Redevelopment

The City Manager outlined previous Commission direction in July as well as public input: to concentrate on the pool first, an aquatic center with two, 50-meter pools. There was also consensus for a competitive dive well, a static room for training and the facility would be more competitive with respect to events. All of this was to be done while striving to accommodate the Swimming Hall of Fame (ISHOF) building. He charged staff to develop a proposal and look at leftover capacity for other uses that would be complimentary. The CSA Group has assisted staff in defining the cost.

Commissioner Rodstrom remembered that the Commission wanted to scale the project back to within the budget. She was surprised to learn that staff formed a partnership with a consulting firm and a continuing contract. There is a \$25,000 cap on what the manager can spend without coming to the Commission. This work was just under the cap. She did not want to give any impression that she would endorse anything that would put the City in further debt and left the meeting for the presentation portion. The City Manager clarified that the City is not in partnership with CSA; they are used for engineering work under a continuing contract. He noted the proposal is within \$40 million with \$25 million from the CRA (Community Redevelopment Agency) and \$15 million from the parking fund to build the pools, parking deck and shell for the ISHOF facility.

Albert Carbon, Director of Public Works, noted staff members that worked on this project and that CSA used staff's ideas that were based on input from the Commission and the

public. Staff understood the facility was to be revenue neutral or positive. He clarified that the amenities shown on the slides could be moved around the five-acre site. A copy of the conceptual redevelopment plan and working financial business model used in the presentation is attached to these minutes. However, the correct spacing was examined. The facility would be stacked with ground and second floor parking up to 600 spaces is shown. There would be a minimum of twenty-five feet around the perimeter to accommodate pedestrians. Vehicular stacking on-site will be possible to keep it off Seabreeze. There is a connection to the ocean through Alexander Park as well as to the Intracoastal. There are approximately 5,000 fixed seats and 1,800 that could be mobilized. He went on to highlight amenities by floor, including dockage to accommodate 32 slips for day and overnight and the boat show. Two fifty-meter pools, parking, associated facilities for the pools, and provision for ISHOF are estimated at \$37,875,000. The marina, restaurant, retail area, hotel and additional features, including a recreational pool, are estimated at \$21 million. With contingency, the project is estimated at \$71 million including additional described features above that in the Commission direction. Staff identified funding sources of \$44,500,000 in excess of the \$71 million (slide). He reviewed the recommendation and next steps slide, page 17.

Mayor Seiler was concerned about cost. Mr. Carbon advised that the cost per parking space is estimated at \$22,000. (Commissioner Rodstrom returned at this point in the meeting) Mayor Seiler felt the estimate is substantially high. Mr. Carbon elaborated upon how the geo-technical testing will better define the estimate. Mayor Seiler summarized his recollection of the original discussion that the site would include ISHOF and a world-class aquatic center. He felt there is a need for parking. He would almost believe that ISHOF, aquatic center, parking garage and some retail would provide a better return. He did not favor the hotel idea so as not to take away from existing hotels. He did not favor the restaurant idea because he wanted the facility to generate business for local restaurants. He wanted a promenade included that could perhaps eventually be connected to the one at Bahia Mar. He wanted such public space to be on the waterfront. He did not support sky boxes. Essentially he would favor a more simplistic approach with parking and perhaps retail driving the revenue. He liked the connection to the beach with Alexander Park. As to the parking, the City Manager advised that staff is trying to be exceptionally conservative with respect to cost. The structural design must be able to hold the weight of the water in the pools. The restaurant, hotel and retail are clearly optional. The project could be done for \$40 million without them. Mayor Seiler indicated that he could not support any project without a promenade. All of the pools may not be necessary. In summary it is a start. Public comment is needed. The City Manager explained that the hotel was envisioned as limited-service and dormitory to accommodate athletes that would be on-site for a month or two at a time. Mayor Seiler thought it could be contrary to the public purpose. Commissioner Rodstrom thought a room block with the tourist industry could be a possibility. Feedback she has received from the hotels is that they are not in favor. Commissioner Roberts indicated there is also concern about the lack of family, affordable places to stay on the beach. He complimented staff for developing a proposal. He agreed with Mayor Seiler on the promenade. He felt the docks would take away from the promenade. If a restaurant is kept in the plan, he wanted to see it placed at a higher level. He also appreciated that various types of non-competitive pools are included as well as the ability to expand on the pool deck.

Jorge Luaces, CSA Consultant, responded to Mayor Seiler's further question about parking cost and indicated that real unknown is the soil condition. He went on to explain that retaining walls for the pool will be needed regardless. He noted there is a fifteen-foot

pedestrian promenade circling the entire site that has always been part of the scheme. Mr. Carbon added that there is also a drive aisle of thirteen feet.

In response to Commissioner Rodstrom, the City Manager advised staff has been looking to locate the ocean rescue operation at Fire Station 13 on the beach.

Commissioner Rogers referred to the \$1 million operating loss. He liked the idea of a market study and community input. He advocated some type of entertainment that would generate revenue and could occur in the evening. Mayor Seiler posed questions concerning the therapy pool concept and whether it would need to be at this particular site. Laura Voet, Aquatic Complex Manager, advised that the Director of the Arthritis Foundation at Broward General Hospital has reported that all patients must be referred to the west because there are no pools in the east that accommodate rehabilitation, special needs. The Dan Marino Children's Center would love to be able to refer patients to a facility in the east. A contractor is providing the service in Plantation. Revenue numbers could be obtained from them. This type of facility would be a small pool, indoor and a controlled environment. Mr. Carbon confirmed that \$14 million is for the dive-well and two competition pools. As to cost for elevation, he referred to slides on pages 9 and 10. Mr. Luaces advised that particular cost is built into the parking structure and would have to be isolated. He explained that the only part of the parking structure cost relating to the pools are the columns underneath it for the lowest level. Mr. Carbon indicated that the athletic department support has been reduced from \$4.8 million to \$3.5. There are no therapeutic pools (\$77,000). The spectators service building has been reduced from \$4,359,600 to \$2.1 million. The entry pavilions and service building has been reduced from \$1.4 million to \$400,000. Spectator seating, shade structure and instruction/leisure pool including equipment have been eliminated (\$3,510,000). These items come to \$8.3 million for additional structures. He also detailed the \$14 million for the three pools includes the pool deck premium and waterproofing, specialized equipment, main competition pool including equipment, warm up pool including equipment, diving pool including platform and equipment, whirlpool acclimation spa, electronic screen (sign), specialized lighting and supporting infrastructure spaces at parking levels that has been reduced to \$2 million.

Commissioner Rodstrom asked how the debt service would be paid after the CRA concludes. The City Manager thought there was consensus to concentrate on the \$40 million plan without the additional amenities. Originally, the additional funding would have been secured through seeking partnerships with private entities to build the hotel or restaurant for example. Commissioner Rodstrom recalled the RDC proposal of a similar approach and the Commission's direction to scale back in order to avoid debt service and additional cost. She pointed out if private partnerships ultimately fell through, the taxpayers would be responsible. She reiterated her surprise to see a proposal of \$70 million and a fee of \$24,000 for preparing the plan when Commission direction was for a simpler plan. The City Manager responded to her question that the fee was paid from the CRA.

Mayor Seiler opened the floor for public comment.

John Weaver, president of the Central Beach Alliance (CBA), thought the proposal is a starting point. He noted their position has been to scale back, re-bid and consult with experts. He emphasized the proposal should be presented to the CBA and a town hall meeting for input from the entire city. He referred to reports produced by ISHOF and indicated that they should be considered. He was concerned about only three percent of

the revenues being derived from special events and was generally concerned about revenue generation.

Birch Willey, 818 SE 4 Street, indicated that Becky Davis, is the closest living relative to D. C. Alexander, who donated this ocean front property to the City. After reading yesterday's newspaper article that indicated D.C. Alexander park would be preserved as a water garden promenade between the complex and the beach, Ms. Glades wanted to thank the Commission for doing so. He went on to discuss other steps that Mr. Alexander took in purchasing and platting property and his foresight in the roadway placement that he believed resulted in Fort Lauderdale beach and A-1-A. He stressed the preservation of D. C. Alexander Park and the City's heritage.

Fred Carlson, Central Beach Alliance liaison to City government, referred to a vision by Bruce Wigo two years ago that was supported by the public in the form of a signed petition and contended that this has not been heeded. He did not think the proposal is realistic. The site is not big enough for what is proposed. He questioned that two fifty-meter pools are needed. The facility does not serve the public. He did not think the long-term vision of the proposal is workable.

Sherman Whitmore, asked about the \$15 million funding from the Greater Fort Lauderdale Convention & Visitors Bureau. Mayor Seiler explained it is a potential source; it is not being counted on. Commissioner Rodstrom was concerned about the public's concern with repeated presentations and unwillingness to expend \$70 million. Mr. Whitmore questioned when the facility's name changed from the International Swimming Hall of Fame to Fort Lauderdale Aquatic Complex. Mayor Seiler explained that the proposal was prepared at the request of the Commission and at some point in time in the future, the facility's name will likely be discussed at a meeting. In response to Mr. Whitmore, the City Manager advised that staff has communicated from the beginning with Mr. Wigo (executive director of ISHOF) about the concepts. Mr. Whitmore advocated involving the private sector.

Art Seitz, 1905 N. Atlantic Boulevard, advocated the promenade, expanding its width and linking the Las Olas Marina parking lot to the Bahia Cabana. He favored the connectivity and suggested retail be added. The project should be re-bid. It should be world-class, iconic and a form of branding. He suggested viewing windows in the dive well similar to that in Houston. There should be a children's water park at D. C. Alexander Park. There should be an amenity for children in the northwest area of the site. He suggested a projector feature similar to that on Lincoln Road. Architecture is important. He encouraged vista terraces, gardens, green space and parks on rooftops wherever possible on the Intracoastal. He encouraged restaurants that are elevated. He supported the City's proposal. As to the possibility of Ron Jon sponsoring a new proposal, he claimed that Ron Jon has been arrested multiple times.

There was no one else wishing to speak.

Jim Blosser, representing Recreational Design & Construction, Inc. (RDC), provided a brief verbal chronology of this matter. RDC has been listening to the Commission and the community and have presented variations of a proposal. RDC have had numerous meetings with staff and facility users. The feedback received was no restaurant on the Intracoastal, no hotel or marina and less traffic and density and smaller parking, less noise and no outside concerts. After hearing that the Wave House did not fit to the magnitude that it was proposed, RDC has now proposed a modified commercial

development, linking the ocean to the Intracoastal and create a business and tourist environment that meets the threshold requirements of the CRA funding. RDC has presented a brand-name attraction downsized for parking, noise and traffic purposes. Myrtha flex pools are included that provide total versatility as to use. He reviewed slides on the proposal that are attached to these minutes. He confirmed that the swimming and diving complex has been vetted with the international swimming and diving community and it meets their needs.

Bernard Zyscovich of Zyscovich Architects, representing RDC, thought one dominant theme was revitalization of this part of the CRA. RDC has been focused on this as a primary objective. Perhaps RDC has too grand of a vision. He noted some of Zyscovich Architects' achievements. He reviewed additional slides on the proposal that are attached to these minutes. The amphitheater and use of the park for concerts have been removed. The existing pool would be renovated and become open and the front yard which is an extension of open space. A new dive pool and a competition pool with bleachers would be constructed. ISHOF is being elevated so there is a transparency between the Intracoastal and the ocean. Rather than building the pools into the ground, they believe placing them at the upper deck level and building the garage around them will significantly save money.

In response to Commissioner Rodstrom, Mr. Zyscovich explained the area that could accommodate tent areas for the boat show would be pre-planned with foundations and water hookups put in-place.

Mr. Zyscovich continued review of the slides and concluded by saying that all of the open spaces are accessible, visible and transparent. Joe Cerrone, president of RDC, emphasized that the Commission's concerns have been answered: lower cost and less noise and traffic. They are completely compliant with the original RFP. The total is \$22,430,000. There are no additional studies required to move forward. Mr. Cerrone responded to Commissioner Rodstrom's question about the Ron Jon facility, indicating it is not part of this money. The parking garage is 350 spaces. There would be forty spaces underneath Ron Jon. In response to Mayor Seiler's question, Mr. Zyscovich believed there are 148 under the building and 160 outside. It is estimated at about \$16,000 per space because so many are at grade. Commissioner Rodstrom pointed out that the idea was to have the ability to add parking is the City chose to do so, but to encourage people to use public transportation to reduce traffic. Mr. Cerrone continued his presentation. He advised that Ron Jon is a credit worthy tenant and will implement some of the wave machines into their facility. They will have 18,000 square feet of retail. The private section is just under \$10 million and not part of the \$22,430,000. Mr. Cerrone confirmed for Commissioner Rodstrom that the City's facility would be the signature of the complex and visible from A-1-A. Thor Equity Group, owners of Beach Place, has a high level of interest in funding the project, therefore RDC is very confident of the funding availability to build the private section.

Commissioner Rodstrom supported the design. Mayor Seiler also supported the design and expressed the view that a promenade could be built-in, but had concern about the parking. He raised the idea of moving the wave house at the corner of 5th and Atlantic in order to provide more green space in front. Mr. Zyscovich pointed out that the wave house will be a real attractor but it could be moved. Mr. Cerrone indicated that the wall is less than two feet. Mr. Cerrone responded to Mayor Seiler's question about the ISHOF component and indicated that their plan is to bring ISHOF exhibits into various other parts of the facility. For Commissioner Rogers' benefit, he enumerated the number of

bleachers provided are pursuant to what was called for. He noted that Royal Caribbean is still interested in using the dive well for training. RDC has also met with the boat show representatives. He also responded to Mayor Seiler's question about seating and the view from the Intracoastal looking back at the dive well seating; indicating that a west view was not developed. Mr. Zyscovich indicated that instead of plexiglass, the wall could be a metal mesh that would be lighted at night.

Mayor Seiler opened the floor for public comment.

Bruce Wigo, executive director of ISHOF, spoke favorably of the design. He wanted some adjustments made to the aqua theater. For example, short-course swimming events at the dive well with more seating. He advocated the addition of the therapy pool concept as a revenue generator. He urged the project get moving. He elaborated upon the need for events and to attract people. He emphasized the importance of there being revenue generating features.

Ina Lee, Travel Host, was opposed to any consideration of a hotel on the site.

Mary Fertig, representing Idylewyld Improvement Association, commented about the number of RFPs throughout the years on this complex. Regardless of the project amount, it is taxpayer dollars. She felt the process should be clear. She spoke in favor of the features presented in the City's proposal. She advocated a thirty-foot greenway (promenade). Although it is responsive, there is nothing on the website concerning the RDC proposal. She was concerned about the lack of detail. She stressed the importance of D. C. Alexander Park and questioned the necessity for the wave house. RDC was invited to their neighborhood meeting in February but there have not been any conversations since that time. She supported the following: therapy pools and athletic planning, recreational and instructional swimming, a promenade greater than twenty-five feet, the traffic planning and increased parking and bleachers. They would like to have the same level of input on noise that they were afforded with Bahia Mar. She questioned discussion about a hotel and a restaurant and hoped direction would be given today to everyone so that the community knows exactly what is being discussed. Commissioner Rodstrom clarified that the Bahia Mar hotel and restaurant was not meant to compete with anything on this site. Ms. Fertig agreed with Mayor Seiler concerning the greenway (promenade) and connectivity.

Ann Hilmer, representing Idylewyld Improvement Association, appreciated being asked to see the City proposal and that there were no variances. She supported how D. C. Alexander Park was improved. She questioned a Ron Jon business being allowed on a public park, was concerned about precedence and what would happen when a wave house is no longer in vogue.

Sadler James, 3073 Harbor Drive, pointed out that there is a cost to operate the facility. He supported a hotel and a restaurant to compensate for the cost. He was concerned about public participation including the Central Beach Alliance. He criticized the City's business plan. He felt this is a proposal developed by committee, there are things that are wrong. He supported the aquatic theater proposed by ISHOF. He did not think that City has been the premier in aquatics in many years and could only be one of the best in the future. Swimming and diving are timeless and this is perfect for it. The goal should be to generate revenue and to service the local public need, including a therapy pool.

Jack Newton, a resident of Venetian Condominium, indicated the Venetian is next door to the Aquatic Complex. He did not support a Ron Jon or a wave house. He believed that D. C. Alexander Park should be used as a park with perhaps a small water feature. He supported a therapy pool that would be easily accessible. He did not support retail. He also noted there should be attention to the noise factor. He supported the aquatic theater that would be enclosed. There should be a new RFP process. He urged that the ISHOF executive director be included more in the process.

There was no one else from the public wishing to speak.

Note: The City Commission recessed at 5:28 p.m. and addressed Conference Item I-E at approximately 7:53 p.m. in the City Commission meeting room on the first floor of City Hall.

Commissioner Rodstrom indicated her desire leans toward the RDC proposal. The design is stunning. As to concerns about the Ron Jon wave house, she noted that decision does not have to be made today or any time in the future. It is within the budget. More parking can be added. She reiterated her surprise about the City Manager hiring a consultant to assist with development of the City's proposal. She commented on the history of this topic and emphasized the revamping needs to get done as quickly as possible. She hoped RDC would be authorized to move forward and reach out to the community for their input.

Commissioner Rogers was still concerned about how to pay for the facility's operation. He believed the diving show (aquatic theater) is a moneymaker and essential. He liked the new RDC design. He was concerned about the number of parking spaces and wanted to be certain the parking is workable. He felt that people would be willing to pay a little more to use the amenities, but the model is based on the current fee schedule. The construction method must also be decided. He was amenable to looking at the wave house concept because it is an attractor and a revenue generator. He liked the idea of leaving D. C. Alexander Park open. He was ready to move forward, but wanted to be more comfortable with paying for the facility's operation.

Commissioner Roberts agreed with both Commissioners Rodstrom and Rogers. There are some things from the City's proposal that could be incorporated. One item has to do with the parking and preventing the queuing (stacking) on Seabreeze. He understood that some small portion of the operational cost would be borne by the City because it is a park and the City does not expect to break even entirely with its parks. He felt the plan should be revised to accommodate larger crowds around the dive well and referred to the City's proposal that had such flexibility. He wanted to further investigate the therapy pool concept because it will attract people and generate revenue.

Mayor Seiler remarked on how much he liked this proposal in comparison with the previous one. Because he thought the dive well would attract people's attention, he did not think it should be enclosed, but perhaps there could be adjustment made to the seating. He wanted something done with parking and a promenade. However, there are details to be worked out. It must make economic sense.

Commissioner Rodstrom agreed with Commissioner Rogers concerning the wave house in order to defray operational costs if it proves to be a revenue generator. She raised the idea of approaching the Tourist Development Council for help with operational costs. In response to Commissioner Rodstrom, Mr. Zyscovich indicated it was never their

intention to give the impression that an aqua theater was not contemplated; the dive well will be the aqua theater. The question is how many seats and what configuration. If the dive tower was illuminated at night, it will be visible from everywhere. The deck extends to the building's face so there is a lot of overflow space. The revenue generation ideas brought forward by the City Manager could be incorporated. Mayor Seiler noted that the ocean rescue function could be located elsewhere as pointed out by the City Manager. Both Commissioners Rogers and Rodstrom agreed. In response to Commissioner Rogers, Mr. Cerrone advised that dry land training was planned for the third floor on the deck or under the canopy.

The City Attorney pointed out the question of whether this was listed on the agenda and the status of the RFP because this is a substitute. Mayor Seiler pointed out that the proposal is a reduction of the scope, not an expansion. He asked for the City Attorney to make a recommendation at the next meeting whether the proposal is responsive to the RFP. At the same time, he requested staff to work on the issues raised. Commissioner Rogers wanted staff to work on the four items highlighted as next steps in Exhibit 2 to the Commission Agenda Report, that being, funding sources, construction costs, land leases and revenue sources and financial engineering and debt service management. Commissioner Rodstrom believed that the Commission decides whether something is a substantial change. Both Commissioners Rogers and Roberts indicated they would like to move forward with this proposal if it is legally possible.

Mr. Blosser advised that RDC has worked diligently to make sure every component in the RFP has been included. RDC does not want to work through the rest of the details without knowing they are compliant with the RFP. Mayor Seiler wanted Mr. Blosser to meet with the City Attorney. Mr. Blosser pointed out that issues raised on the revenue side are operational issues for the City. RDC has stayed within the budget. There is room in the budget to increase the stadium and other amenities including the parking. Pending the legal opinion, the City Manager indicated that staff will be working with RDC on the next steps or the due diligence stage.

I-F – Swimmer Statue at Aquatic Complex

Commissioner Rodstrom conveyed the International Swimming Hall of Fame executive director's agreement with staff's recommendation with the intention to preserve the statue.

I-H – Revised Investment Policy

The City Manager advised that this information has been presented to the Budget Advisory Board although it was not possible to get a formal response from the board because they have had quorum issues. The City's investment policy will be presented to the Commission periodically, at least annually. Additionally investment results will be reported to the Commission at least on a quarterly basis. If there is no objection, it will be presented for approval by resolution at the October 18 meeting.

Commissioner Rodstrom indicated she will send the City Manager suggestions she received from a member of the Audit Advisory Board.

Doug Wood, Director of Finance, indicated this item has to do with how the City plans to address Other Post-Employment Benefits (OPEB). A separate policy will be forthcoming to address interest earned on OPEB and allow the investment of those funds in a similar

fashion as pension funds. The City Manager confirmed for Commissioner Rodstrom that it was permissible and common for the funds to be deposited in the general fund, however, the City Auditor has suggested they be separated and invested in a similar fashion as pension funds.

III-A – Communications to City Commission and Minutes Circulated for Period ending September 29, 2011

Affordable Housing Advisory Committee

A consensus decision was made by the Committee to request that Housing & Community Development Staff review the property list that was developed by the City Auditor and determine which properties are suitable for affordable housing. The Committee requests that the City Commission direct Staff to review all properties on the list (*regardless of the current zoning designation*) to determine which are suitable for affordable housing.

Mayor Seiler questioned whether there are programs available if properties are identified. He felt the Committee should review the list and determine what is suitable within the proper zoning. From that point, there will need to be a determination of what interest there is.

Historic Preservation Board

Motion made by Mr. DeFelice, seconded by Ms. Thompson, to institute a moratorium on staff approvals for “like for like” permits for any historic structures in the City or any structure in identified historic districts: any structure that would otherwise come before the Board. In a voice vote, motion passed 8 – 1 with Mr. Morgan opposed.

The City Attorney confirmed for Commissioner Rogers that this has to do with staff being able to approve a structure as historic without going to the board, provided it meets certain criteria. He believed the re-write of the provisions will be completed within the next couple months. He offered to address this point in the re-write.

Motion made by Ms. Thompson, seconded by Mr. Morgan, to communicate to the City Commission and the Parks Director that the Board would like to protect the archeological site at the beach with some type of signage. In a voice vote, with Mr. DeFelice abstaining and Ms. Graff having left the meeting, motion passed 7 – 0.

Mayor Seiler did not want to bring attention to the archeological site until the City has the ability to protect the property. Diana Alarcon, Director of Transportation and Mobility, noted the signage that will soon be posted. Commissioner Rogers thought the signage should be of sturdy material for it to be lasting.

III-B – Board and Committee Vacancies

Note: Please see regular meeting item R-04.

City Manager Reports - none

Note: The City Commission then convened as the Community Redevelopment Agency Board of Commissioners from 8:42 p.m. until 8:52 p.m.

The Conference meeting was reopened at 8:52 p.m. and there being no other matters to come before the City Commission, the meeting was adjourned at 8:52 p.m.