

**MARINE ADVISORY BOARD
THURSDAY, NOVEMBER 4, 2004
CITY COMMISSION CONFERENCE ROOM – EIGHTH FLOOR
CITY HALL
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA**

BOARD MEMBERS PRESENT

**ATTENDANCE
Cumulative From 5/1/03**

John Baker	P-2	A-0
Ryan Campbell	P-5	A-0
Richard Duncan	P-3	A-2
Barry Flanigan, Chair	P-5	A-0
Joseph Hessmann	P-5	A-0
Roger McKee	P-4	A-1
Norbert McLaughlin, Vice-Chair	P-4	A-1
David McNulty	P-4	A-1
Robert Sadowski	P-4	A-1
Rick Schulze	P-4	A-1
John Terrell	P-5	A-0
Stephen Tilbrook	P-3	A-1
Dr. Geraldine Udell	P-4	A-1
Peter Zachary	P-4	A-1
Eugene Zorovich	P-3	A-2

Board Members Absent

Rick Schulze

Staff Present

Jamie Hart, Supervisor of Marine Facilities
Chuck Adams, Redevelopment Services and Marine Facilities Manager
Bruce Larkin, Department of Business Enterprises Director
George Gretsas, City Manager
Kathleen Gunn, Assistant City Manager
Mehrddad Fayyaz, Assistant City Engineer
Mike Horn, Dockmaster, Intracoastal Facilities
Phil Thornburg, Director of Parks and Recreation

Guests and Public Officials

Jim Naugle, Mayor
Scott Strawbridge
Reid Morgan
Gloria Reese

CALL TO ORDER

Chair Barry Flanigan called the meeting to order at approximately 7:08 p.m., roll call was taken, and a quorum was present. Chair Barry Flanigan indicated that Rick Schultze was in the hospital following surgery and should be discharged Saturday. Chair Barry Flanigan wished Rick Schulze well.

INTRODUCTION OF CITY STAFF

Chair Barry Flanigan proceeded to introduce City staff present: Jamie Hart, Chuck Adams, Mike Horn, Phil Thornburg, and Bruce Larkin.

Chair Barry Flanigan stated that he appreciated the attendance not only of the board members but the guests as well. Chair Barry Flanigan introduced the new City Manager George Gretsas, Assistant City Manager Kathleen Gunn, and Scott Strawbridge from the Riverwalk Board of Trustees was also present. Chair Barry Flanigan also recognized Fort Lauderdale Mayor Jim Naugle.

APPROVAL OF MINUTES – October 7, 2004 Meeting

Motion made by Richard Duncan to approve the minutes of the October 7, 2004, meeting. David McNulty noted that he was credited for asking a question he had not asked. Jamie Hart indicated that the tape would be checked and correction made.

Steve Tilbrook had a question on the waiver process. He noted that it appeared from the minutes that our scope of review is only on issues related to navigation. Steve Tilbrook that he understands from reading the code that it is broader than that and would like from a legal perspective exactly what scope of review this board has. Steve Tilbrook went on to say that neighbors have been at meetings requesting on matters other than navigation and he wanted to be sure that if we tell them we cannot consider their concerns that we have a legitimate legal basis for saying so.

Jamie Hart indicated that we should have the full board's consensus to request information from the City Attorney. Jamie Hart understood that the requests are always on the basis of navigational and safety issues but a clause existed that enabled the Board to decide any aspect.

Dr. Udell indicated that she was going to bring up the same request during Old Business. Dr. Udell stated that it is important for us to know what our responsibilities are. She had spoken to her Commissioner who suggested that they have the City Attorney come and make it clear what our duties are. Mr. Hart felt that it would be more appropriate to have the City Attorney attend a future meeting to address questions that the board might have regarding their legal authority.

Steve Tilbrook stated that he would like the City Attorney to come prepared to answer our question of what our scope of review is. His second question is from the legal perspective. It appears that we may be acting on a quasi-judicial capacity on these applications. We are applying criteria of the code to a site-specific condition. It was his suggestion that the board may be acting in a quasi-judicial capacity. If we are then the rules of procedure are very different than the rules we are acting under.

Chair Barry Flanigan requested that Steve Tilbrook would be better able to convey the specific items that are a concern to the City Attorney. Steve Tilbrook indicated that he would put his concerns in writing, send them to Jamie Hart to provide to the City Attorney. If the City Attorney had questions then he would be able to call Steve Tilbrook for clarification.

Chair Barry Flanigan then asked Dr. Udell if this would satisfy her question as well. Dr., Udell agreed if this could be on next month's agenda. Chair Barry Flanigan thought this could be accomplished.

Chair Barry Flanigan proceeded to call the question to approve the minutes. Ryan Campbell seconded the motion to approve. Approval was unanimous.

REPORTS

- **Waterway Crime & Boating Safety**

Chair Barry Flanigan asked if the Waterway Crime and Boating Safety Report could be deferred. The Board agreed, as there was no one present to present the report.

Update – Riverwalk/New River Docks Projects

Chair Barry Flanigan indicated that the issue here tonight goes back a couple of years and that there was a November 2003 drop dead date. He had all the previous minutes with him. Chair Barry Flanigan further indicated that some things change rapidly in the city. However the City had some 20 to 24 slips that have been empty for 2 years at a considerable loss of revenue to the city. Jamie Hart had the exact figures.

Chair Barry Flanigan elaborated that it was frustrating to be active on the waterway and see the lack of progress because it is an eyesore. He promised not to seek dates but that the Board was happy to hear what they had to say on the matter. Chair Barry Flanigan then indicated that the Board was happy to have Mike Fayyaz and his staff present. Mayor Naugle lives close to the area and has concerns as well. Commissioner Hutchinson of this district and is concerned as well. She couldn't be here tonight but will be watching through the television and would be calling in if she has any questions. The number tonight as well as every meeting night is (954) 828-6507. If any one in the city that watches the meeting may call in and have their concerns addressed or issues they would like to see appear on the agenda.

Chair Barry Flanigan then asked Mike Fayyaz to proceed. Mr. Fayyaz stated that he first wanted to comment about some concerns about the scope of the Board and that he had been told that it was an advisory board. In addition to providing the Board with an update, he wanted to ask for advice.

Mr. Fayyaz went on to state that he couldn't account for what happened in the past but it is obvious that there had been a tremendous amount of trouble and delays. What he wanted to present is where the project is now and offer possible options to resolve the problem. He and his staff would like some feedback, although he couldn't promise that

what they advised would be done but their feedback was very important. He then turned the meeting over to Mehrdad Fayyaz.

Mehrdad then gave the status of some of the active projects and then concentrated on the two projects of most concern to this Board. The project by the old Post Office is now complete. The Stranahan House is 95% complete and is on schedule. The next area is just east of SE 3rd Avenue Bridge on South New River Drive. Mehrdad Fayyaz stated that he heard the other day that they are receiving a grant for that project. The other project, Marshall Point is by the SW 7th Avenue Bridge. This project has two components. Phase I is the construction of a seawall and infrastructure for the marine facility and Phase II is for construction of the Riverwalk Tarpon Bend improvements. Phase I is complete and has been for quite some time now. The contractor is now working on Phase II and is within 6 weeks of completion. If the project is completed within 6 weeks it will only be about 3 weeks behind schedule. The delays have been outside the control of the contractor such as receipt of some of the equipment needs for the project and getting electrical power for the project. Mr. Fayyaz believes that project will be complete early next year and the project is in relatively good shape.

Mr. Fayyaz then indicated that the project causing the most frustration is the Riverwalk South/New River Village project that is substantially behind schedule. Mr. Fayyaz indicated that last year when he had come before the Board and they were ready to end the contract on the project he had proceeded by talking to the bonding company. The contractor gave them a schedule to finish the project by August 2004. August came and went and the contractor actually stopped working on the project for about 1½ months. Today there are 2 or 3 men working on the site. The project is about 90% complete. Mehrdad Fayyaz has contacted the bonding company in the last few weeks and they provided a completion schedule that afternoon. Mr. Fayyaz indicated that they are reviewing the schedule to determine if it is as acceptable but would like the Board's input.

Mr. Fayyaz stated that there are only 2 choices. One would be to work with them one last time for the 4 weeks of remaining work or the second option would be to end the agreement, start the revocation process, and go through the City to begin the bidding process. This would add several months to the project because the Commission would have to rescind the contract, then the bonding company would have to provide a completion schedule and then complete the job. Mehrdad Fayyaz stated that this is usually the last resort. Mr. Fayyaz's suggestion was to give them two weeks to see if they could fully staff the job and work toward completion. If they could staff the job then we could give them the chance to finish the job. Mr. Fayyaz had just reviewed the completion schedule and noted that the final completion date is January 18, 2005. Mr. Fayyaz reiterated the two options, one to give them two weeks to figure out if the contractor really has their act together to be able to complete the job in two to four weeks or to end it now.

Chair Barry Flanigan asked if anyone had an interest in seeing the pictures taken of the site yesterday.

Roger McKee then asked if the bonding company was responsible the lack of docking fees obtainable from this area. Mr. Fayyaz indicated that it appeared that the bonding company was responsible but the lawyers would need to determine this outcome.

Eugene Zorovich indicated that they were being asked for a suggestion of what route to follow but he wanted to know what Mehrdad's suggestion would be. Mr. Fayyaz indicated that giving the contractor one more try would be painful but was actually the quickest way to finish the project.

Richard Duncan then asked if Mehrdad had spoken to the contractor to find out what he would like to do. Mr. Fayyaz indicated he had spoken with the contractor several times and he wanted to finish the job. He indicated that the subcontractors are not comfortable working with the contractor possibly because of his payment process. Mr. Fayyaz had advised the contractor that if he were to continue the job from this point on they would be issued dual party checks to be drawn in favor of the subcontractors with the approval of the bonding company.

Chair Barry Flanigan then requested the Board look at the photographs because if the project is expedited to the finishing process the roadway situation must be resolved.

Mr. Fayyaz proceeded to show the area on the map indicating that SE 5th Avenue is the street between Smoker Park and the County parking garage. This street accesses the parking along the New River for the use of the boats. Mr. Fayyaz stated that currently the contractor for the New River Village Development is using the area as a staging area and has a permit so there is no way to drive through the area. He further indicated that the permit is a temporary measure that may need to be reevaluated. Mr. Fayyaz indicated that whatever is decided the City had to coordinate the work between the developer and the Riverwalk project.

George Gretsas stated that the City sees this item as two separate issues. In order to gain access to the docks, the issue has to be resolved and is currently under review by the law department.

Chair Barry Flanigan indicated that if the area was finished but had no access maybe they could get some floating docks, long term storage or broker boats in there for revenue but the people would not need to have road access. Mr. Fayyaz indicated that the seawall is ready but power was not available. Chair Barry Flanigan stated that they might not need power and that if the road was not going to be open for 6 months or a year they should do what they could in the interim to make use of the area and bring in some revenue.

Jamie Hart showed a picture of SE 5th Avenue where you would enter the dock facility. He stated that the other contractors do have it as a staging area, which is a separate issue from our contractors issue.

Mr. Fayyaz identified the cul-de-sac area that comes down SE 5th Avenue where there is a driving lane that takes you to the parking spaces. He reiterated the issue Jamie Hart brought up that the area is not currently ready to accept traffic.

Jamie Hart showed other pictures of what the roadway looks like with barricades along the entryway where you could drive to gain access to the parking or drop something off. It is not a very wide area but is more pedestrian friendly. Jamie Hart stated that everything will need to be resolved but what the City Manager needs to know is what route should be pursued.

Chair Barry Flanigan mentioned another area, where the irrigation is partially in but the sprinkler heads are not on and the electric may not be working for the irrigation. Mr. Fayyaz indicated that he was not sure of the level of completion but the subcontractor has been maintaining and watering the area on his own taking pride in this project. City crews have not had to step in because the subcontractor is taking care of the area.

Jamie Hart showed another picture indicating the size of the walkway and the way contractors gain access through a construction area not for use by the public. Jamie Hart pointed out the obvious safety issues especially those involved with the adjoining site.

Chair Barry Flanigan mentioned the vacuum system that Hector had selected but was not sure if it has been tested. Mehrdad Fayyaz stated that its function was very similar to the other ones tested but they felt that it was better because it has a stainless steel tank. Chair Barry Flanigan asked if the system has been inspected during all the installation stages. Mr. Fayyaz replied that everything has been inspected but not tested because the power installation has not been completed.

Chair Barry Flanigan then asked for questions from the Board members.

Norbert McLaughlin asked if the contractor was under any time constraints so that when the contractor did not complete the project on time he would run into cost overruns. Is he now in default costing him money at this time? Chair Barry Flanigan asked if the contractor had been given an extension or was now in default. Mehrdad Fayyaz stated that he was now in default. He further indicated that there is a liquid damage clause in the contract that they plan to exercise.

Norbert McLaughlin asked the question whether it would be more feasible to give the contractor more time or have the project completed by another contractor and the contractor should be required to provide a time schedule and have a professional engineer look at it to determine if the timeline is possible? Would it be to our advantage to have a professional look at it to see what the actual time frame needed would be? Mr. Fayyaz indicated that it was a good suggestion and would pursue this course of action.

Richard Duncan asked that since the project has been held up for a couple of years, to give the contractor time to restage and perhaps complete the project in four weeks, is allowing or not allowing another month for the process significant?

Chair Barry Flanigan agreed that that was needed and also asked if it was possible that the City could complete the project and do back charges? He further explained that he had made some phone calls because of concern over losing \$70,000 worth of landscaping due to lack of attention to the landscaping by the contractor.

Mr. Fayyaz advised that the contract requires that while the project is not completed any landscaping that dies must be replaced. After completion and acceptance there is a one-year warranty. Chair Barry Flanigan pointed out that the warranty is only good if the company is solvent. Mr. Fayyaz agreed that City staff is most capable to complete the project and save money but we have to allow the bonding company an opportunity to make good on the bond.

John Terrell asked if Mr. Fayyaz, after speaking with the contractor, understood that after such a long period of time, something had changed and that the contractor would be on track in two weeks time. Mehrdad replied that they would have a special meeting with the contractor again, get a commitment and make sure the bonding company is involved. At that point, a decision would be made.

John Terrell then asked if the Board could conclude that in two weeks the completion is not going to happen, could the Board "opt" for a second course of action. Mr. Fayyaz replied that if they do not have a suitable comfort level, they would not pursue completion with this company and we may consider finishing the project ourselves. John Terrell then asked if Mr. Fayyaz knew if there was any more motivation on the part of the contractor and was it any different than it was two years ago.

Chair Barry Flanigan asked if it would help if someone from the City monitored activity at the site and alerted someone if work stopped during the day at the site. Mr. Fayyaz stated that they have inspectors going to the site several times a day but if anything unusual were noted he would appreciate being informed.

John Terrill asked Mr. Fayyaz if January 18, 2005, is a realistic completion date. Mr. Fayyaz replied that the date is very realistic because the project is so close to completion.

Eugene Zorovich asked if the financial status of the contractor was in question and if this was one element that may prevent the completion of the project. Mr. Fayyaz indicated that he has finished two other projects while he was working on this project and was an active contractor. In the future, past performance will be a part of the reviewing process prior to entering into a contract.

David McNulty asked if the bonding company was trying to get the project completed or were they trying to get someone else. Mr. Fayyaz explained that he was surprised that the bonding company was not as concerned about the completion as he himself was. He further indicated that the bonding company wanted to get the job done because whenever you have to get another company to complete a job, it always costs more than what remains in the contract.

Stephen Tilbrook asked Jamie Hart how many slips are there that we cannot use while the area is under construction and was told that it was about 20. Steve Tilbrook then asked Jamie Hart how much revenue is being lost and the reply was approximately \$15,000 a month in that section. Stephen Tilbrook questioned what were the liquid damages provisions in the contract. Mr. Fayyaz indicated that it was either \$300 or \$500 a day for the first 30 days and then after that either \$300 or \$500 a day or vice versa. The City also has the right to go after the actual loss.

Mr. Fayyaz clarified that additional work was added to the contract so the date was extended so it has not been a continuous delay of a year. Chair Barry Flanigan referred to minutes of May, July and October 2003 that reflected completion dates which indicates that the delay was indeed over a year.

Steve Tilbrook asked if the company would be able to cover the magnitude of the losses. Mr. Fayyaz indicated that the bonding company would probably be liable if we were successful in proving the loss.

Steve Tilbrook wanted to know if the understanding was that the sub-contractors had been paid the amount that was due up to this point. Mr. Fayyaz stated that he believed so but that in the future, if the contract were continued, the checks would be controlled by double drafting the check requiring two signatures in favor of the sub-contractors.

Steve Tilbrook wanted to know if the understanding was that the sub-contractors had been paid the amount that was due up to this point. Mr. Fayyaz stated that he believed so but that in the future, if the contract were continued, the checks would be controlled by double drafting the check requiring two signatures in favor of the sub-contractors.

Chair Barry Flanigan asked if the City could lien a City project rather than send a notice to owner. Neither Steve Tilbrook nor Mehrdad Fayyaz had expertise in this aspect of the law. Mr. Fayyaz indicated that it would be necessary to review that area of the law.

Barry Flanigan asked if the City were to complete the project, could the City be able to, on a temporary basis, establish floating docks and a temporary walkway on the City side of the marina.

Steve Tilbrook asked if the landscaping had been paid for and accepted and was told that only partial payment had been made

Stephen Tilbrook then asked about the area around the cul-de-sac where the walkway would go was part of this contract. He also wanted to know which portion was part of this contract and which portion belonged to the developer. Mr. Fayyaz explained the area differences on the site plan.

Stephen Tilbrook asked if it was known what the time differences existed on the contractor's schedule versus the developer's schedule. Mr. Fayyaz indicated that he had met with the developer the previous week and the developer's completion date was March 2005. However, because of 2 hurricanes, the developer was to meet with the owner to extend the completion date to accommodate for the lost time.

Steve Tilbrook then asked if there was the ability to operate the marina without a continuous walkway or vehicle access or is there some other dockage of value that could go in there without having access. Jamie Hart stated he was not aware of any.

Chair Barry Flanigan elaborated on the possibility of coming in on the eastern end of the cul-de-sac and if all was good with the end where the fuel docking could be on a temporary basis. These obstacles could be reviewed in a couple of weeks when the

decision was made. Chair Flanigan stated that you would have no access in one area and some limited parking in another area and at least a partial CO would need to be obtained.

Stephen Tilbrook suggested that the George Gretsas and Jamie Hart could provide a plan for finishing this project and bring the marina back on line to provide revenue for the city. He requested this information be e-mailed when the decision was made. Although a date could not be provided, the City Manager would be able to make decisions when the City Attorney was able to advise on these issues.

Steve Tilbrook asked how the area is designed to function. He questioned if the intent was not to operate as a marina until the developer has also completed this project. Mr. Fayyaz indicated that the answer depended on how the cul-de-sac is to be utilized and whether or not by agreement; the City has the right to use the area when needed. This is something the City Attorney needs to review. Steve Tilbrook then asked if it would then be possible to open up this road. He further stated that the decisions should be made by the City Manager and the Board be advised by e-mail. The area could be back in service and bring revenue to the City. Mehrdad Fayyaz stated that answers to these questions should be available within the next two weeks after a review by the City Attorney.

John Baker brought up that the fact that on the west side of the New River project, the access road is a "nightmare". He further indicated that when you come out of the courthouse-parking garage, traffic is backed up all the way to SE 6th Street. John Baker added the need to consider this in six weeks when we need to get in there because you cannot get thru there timely. Mr. Fayyaz advised that he would be sure the building department was made aware of the situation.

Robert Sadowski asked Jamie Hart what the plans for commercial boat dockage in the area were. Jamie Hart replied one perhaps two commercial boat docks were planned with the remainder for transient boats.

Roger McKee wanted to ask why the contractor walked off the job multiple times. He was not asking for speculation but had the questioned been asked of the contractor. Chair Flanigan noted that the minutes reflected several reasons for delays but did not justify the contractor to walk off the job.

Norbet McLaughlin suggested that they ask the contractor to make a schedule for completion with actual completion dates for each aspect of the remainder of the project. For instance, the landscaping would be completed by a certain date; the sprinkler system would be done by a specific date, etc. In this way the professional engineer making inspections could advise if any item fell behind schedule. Mehrdad Fayyaz believed this to be a good course to follow.

Joseph Hessman stated that after visiting the site a year ago, there were the same issues as today. He further indicated that the season was lost and by allowing another contractor to come in to get the job completed by next fall would resolve the problem instead of fooling around with the problem for another year.

Chair Barry Flanigan indicated that he had invited Riverwalk personnel to be here because this issue is of mutual interest.

Scott Strawbridge indicated that he was not an employee of Riverwalk but was a citizen with a passion for Riverwalk having served six years on the Parks Board and another 4 years on the Riverwalk Band and served for 3 years as Chairman of the Master Planner Projects Committee. A couple of weeks ago he had invited Board members to a collaborative Master Planners Project Committee meeting to get an update on these projects because there is a vested interest for everyone on the importance of the area. The upland part is very important to the community, the revenue is important, the tourist season, the satisfaction of our visitors. The new residents moving into the area have done so based upon a promise that we need to fulfill. The concept of the Riverwalk area was founded 16 years ago to stimulate redevelopment.

Scott Strawbridge stated that Hector had said we were going to give the contractor the benefit of the doubt but we may have to cut it off because we sure have given this guy the benefit of the doubt.

We are going to continue to invite you to come to our Master Planners meetings. Notices are made to the public, proper minutes are kept and there should be no sunshine issues

The main comment Scott Strawbridge wanted to address was the parking issue. There is a long street and up above the tunnel is a large circle with approximately 15 parking spaces that could be utilized as permit only parking on a temporary basis. This would provide a temporary good value for a yacht owner for these slips. There is also a condominium that has a parking lot available. His opinion was that this should not impinge on the neighborhood and should be reviewed with the residents as a temporary solution.

Scott Strawbridge further commented that the same things being said at this meeting were the same things said 13 months ago. He pointed out that the site when completed would be better than imagined. If the time lines currently being established are feasible, parking is not the biggest obstacle. Scott Strawbridge suggested that the City would not be setting a good precedent to continue with this contractor after the delays. A new contractor should be provided the opportunity to complete the project.

Chair Barry Flanigan asked if other members of the community would like to comment.

Gloria Reese introduced herself as secretary to the Tarpon River Civic Association and a liaison between the Civic Association and Riverwalk developer. She indicated that she was surprised to hear that this project was entirely a City project and noted that usually when a developer puts in a project with city property in front of it, the developer is partially responsible for that property because the developer benefits from it. She asked if the developer might also have some leverage at this point.

Mr. Fayyaz stated that this is a cooperative project between the City of Fort Lauderdale and the developer who has contributed to the project. Mr. Fayyaz also stated all legal avenues are being pursued.

George Gretsas indicated that he was appreciative of the excellent feedback and would be able to make some decision in the next few days.

Steve Tilbrook asked Mehrdad Fayyaz what the value of the remaining work is if a new contractor would be hired to do the job. Mr. Fayyaz stated the amount to be approximately \$200,000.

Stephen Tilbrook summarized the options available as allowing the current contractor to finish the project or call in the bond and require the surety company to complete the project

Chair Barry Flanigan called for the one final question to wrap up the discussion.

David McNulty asked for clarification on the \$200,000 worth of work remaining and the \$300,000 outstanding on this project. Mr. Fayyaz indicated that approximately \$300,000 was the outstanding balance however a system is in place to maintain a retain funds on the project.

Chair Barry Flanigan asked Scott Strawbridge about the availability of floating docks. Mr. Strawbridge stated that funds for floating docks were not available but that Kaye Pearson may have some available. He did not see the value of short-term day dockage but felt transient docking would allow for revenue to the City. Scott Strawbridge felt it might be a new business opportunity for the City to pursue.

Chair Barry Flanigan stated that his objective of obtaining an update on information had been achieved. He also asked if the discussion at the beginning of the meeting on Marshall Point answered the Board Member's questions.

Robert McNulty asked if the current schedule for completing Marshall Point by early next year with a likely 3-week overrun was certain. Mehrdad Fayyaz indicated that he was reasonably sure that the contractor wanted to complete the project on time because he had completed other projects in the area and wanted to complete his work in the area.

Robert McNulty asked if there was also an issue with the stairs. Mehrdad Fayyaz stated that the contractor had applied for a permit from the County and the County was negotiating a hold harmless agreement with the City because the City maintains the stairs.

Chair Barry Flanigan then asked if there were any other questions concerning Marshall Point and if all the aspects of the project had been addresses.

Chair recognized Green Morgan who introduced himself as President of the Tarpon River Civic Association. Mr. Morgan wished to correct the fact that there were two projects that this contractor was behind completing for more than one year, this one and Marshall Point.

Reid Morgan outlined four outstanding issues that he thought the City has been delinquent to resolve. The hold harmless issue has been outstanding for more than 90

days; the housing authority easement for a gazebo and the electrical easement have been outstanding for more than a year.

Mr. Morgan stated that the Tarpon River Civic Association worked with the developer for over 30 months at no cost to the City or the taxpayers and put in \$1.4 million to build Riverwalk.

Reid Morgan suggested that the City has not been able to work with the County to try to help the contractor resolve these small issues. The problem was exasperated when the City attempted to put a dumpster under the County bridge. Mr. Morgan hoped that the City had learned from this because there were 3 additional County bridges where the problem will come up again and the City will have to work on these issues again. It was Mr. Morgan's hope that the City would learn from Marshall Point to correct these problems and work with the County.

Mehrdad Fayyaz indicated that they have worked with the County and would continue. Chair Barry Flanigan stated that if any problems working through issues between the City and County occurred to bring it to the attention of Jamie Hart for assistance in resolution.

Chair Barry Flanigan thanked everyone for coming to the meeting with special thanks to George Gretsas, Cathleen Gunn and Phil Thornburg.

Chair Barry Flanigan appreciated the fact that the \$70,000 spent on landscaping was not in immediate peril. Joseph Hessmann especially wanted to thank Chair Barry Flanigan for putting this information updating session together to update everyone and find ways to resolve these issues.

Steve Tilbrook stated that the management has been fractionalized between several departments and it would be good to have a point person to help guide these projects forward.

OLD BUSINESS/NEW BUSINESS

Ryan Campbell provided Board Members with the Seminole Hard Rock Winterfest Boat Parade brochure and a poster featuring Master of Ceremony Shaquille O'Neil, a City-sponsored program. He provided the telephone number, (954) 767-0686 if anyone had any questions concerning the program. Ryan Campbell advised that the Mayor normally distributes a proclamation and everyone looks forward to having that as well.

Chair Barry Flanigan suggested a proclamation of "Shaq Week" would be great and he would follow-up with the suggestion.

Chair Barry Flanigan advised that the Mayor had provided the Marine Industry Association with a proclamation to designate the week of October 25, 2004 as Mega Yacht Week and requested all citizens welcome the captains of these magnificent vessels. The Mayor presented the proclamation during the press conference during the Boat Show Opening Ceremony. Chair Flanigan suggested that perhaps next year the City could build on this and perhaps the Seal of the Great City of Ft. Lauderdale would

be present at some of these World Premier events. He stated that Jamie Hart had advised that there might be some promotional money available in the form of grants that could be applied for from county and other local avenues.

John Baker mentioned the upcoming Riverwalk Blues Festival November 19, 2004, on the south side of the river. There are 4 stages planned encompassing 27 national acts and 22 local acts sponsored by the Musicians Exchange and myself. This is a large fenced-off revenue event. John Baker expanded on the desire to expand next year to include water events. Steve Tilbrook thanked John for promoting the event acknowledging the effort and credit due for taking the leadership in bringing this program to downtown Ft. Lauderdale.

REPORTS

- **Cooley's Landing Security Gate Access to Symphony House**

Chair Barry Flanigan asked what the status of the floating docks in the New River Marina and would like to know next month on the status of the plan including locations and funds. Chair Flanigan also wanted to know the status on the motion unanimously approved for a tour boat going into the marina on a drop-off basis.

Jamie Hart indicated the he had not had the opportunity to meet with the new City Manager but planned to meet with him and have the information ready for the City Commission. The Board would then be provided with a new update. Jamie Hart stated that there was a prototype plan that the city want us to go forward with one site at the old New River Post Office for the Antique Board Museum and are in the process of finalizing this plan. He further indicated that although other locations may be suggested, the City Commission wanted a prototype of one location.

Steve Tilbrook suggested that perhaps next month several locations could be discussed and set some priorities.

Jamie Hart wanted to update the Board on Cooley Landing. He stated that Stephen Tilbrook was on that Committee and advised that the desire was to extend the hours of operation beyond 9:00 p.m.

Jamie Hart advised that funding the security would be an issue because it was currently costing \$5,000 per month for an armed security officer. However, this was not only a funding issue but also the requirement of obtaining a permit to do so. The area has safety issues but the reason they want to extend the hours is to be consistent with the hours of the remainder of Riverwalk.

Chair Barry Flanigan indicated that the idea is premature at this time and perhaps Stephen Tilbrook could elaborate.

Stephen Tilbrook advised that Symphony House representatives had made a presentation to the Riverwalk Trust Master Plan Committee Meeting a letter was sent by one of the Civic Associations concerning access to that area. The Symphony House project is the link between Riverwalk and Cooley's Landing. This area provides access

and the Symphony House reportedly is building a gate. Steve Tilbrook indicated that the questions of what happens when the Symphony House project is completed and you reach a dead end at the gate. There is a stair tower there and people will have issues with not being able to access the park by not being able to access the stair tower. Chair Barry Flanigan stated that security on the dock in the marina was important. A resident suggested that perhaps the gate could be placed at the entrance to the dock for the safety of the boats. By putting the gate entrance at the dock would probably solve the problem and is an alternative to pursue.

John Terrill said he spoke with Bruce Francis, representative of the Symphony House project about security issues. He stated that Bruce Francis was not behind the idea of putting a guard in the area but was interested in putting cameras in the dock area so that the person monitoring the cameras in his building could respond to incidents on the dock.

Scott Strawbridge stated that the developer would be appearing at the next Master Plan meeting to discuss some of these security and other issues and encouraged Board members to attend.

- **Broward County Marine Advisory Committee**

No report.

ADJOURNMENT

There being no further business to come before this Board, the meeting adjourned at 8:55 p.m.

Respectfully submitted,

Debra Giehtbrock
Recording Secretary