

COMMISSION CONFERENCE WORKSHOP 12:00 P.M. FEBRUARY 1, 2005

Present: Mayor Naugle
Commissioners Hutchinson, Teel, Moore and Vice Mayor Trantalis

Also Present: City Manager – George Gretsas
City Attorney - Harry Stewart
City Clerk - Jonda Joseph
Sergeant At Arms – Sergeant Mike White

Discussion of Legislative Issues with Senator Steven A. Geller, Florida Senate, District 31

Senator Steven Geller said he represented most of the City of Fort Lauderdale, and geographically his eastern boundary was from US 1 west to Flamingo, except for a small area primarily an African-American District which was Senator Dawson's. He continued to state that he represented about 10 cities which included Hallandale, Hollywood, Dania, Davie, Sunrise, Plantation, Fort Lauderdale, Cooper City, Miramar, Pembroke Pines, and some unincorporated areas. He said that he tried to meet with all the City Commissions that he represented because both represented the same people. He said he wanted to find out what he could do to help the various areas.

Senator Geller further said he did not mind if anyone called him regarding various matters. He said his cell number is 954-629-7782, his home number is 954-443-1787, and his pager is 1-800-391-3783.

Senator Geller said that last year when they met the discussion centered around growth management, and they worked trying to restore local control to the municipalities. Broward County is the only County which ran growth management in the cities. In Pinellas County, the Commission had the authority to run the growth management, but were not actually doing so. Since 1999, Broward County attempted to exercise such authority. He said that last year they were successful passing a bill both in the House and the Senate regarding this matter, but the Governor would probably veto it. They thought the Governor was going to support letting the local municipalities decide on a city-by-city basis if they wanted to opt out of County land use management. The Governor actually had said that he supported a County-wide vote allowing each individual city to decide if they wanted to opt out. The cities opted to give negotiations another chance and the Senate was to reconsider the vote. He said that he did not know if that would occur, but the cities and the County reached a tentative agreement, but would rely on the County Commission to adopt what was necessary and agreed to by the negotiating team. He said the Mayor and Vice Mayor reached an agreement with the City that would give them the control needed.

Senator Geller further said that one of the things the County wanted to do was to impose a compatibility requirement that would take away most of the discretion of the local governments. He said they did say they would eliminate the compatibility requirement unless a neighboring city complained that something was too intense. He felt this was an appropriate thing to do. He said under the current Code, the County Commission subjects everything to compatibility which adds six months to the process. He said they agreed that regarding flex units on the Barrier Island, they would collapse the flex zones.

He said the County would still review it, but only in regard to compatibility. If under 25 units then there would be no County compatibility review.

Vice Mayor Trantalis said it was his understanding that compatibility meant that respect was to be given to surrounding areas so unnecessary burdens were not placed upon the existing infrastructure or the residents in the area. He asked about the development areas where changes were wanted and they did not want to reflect what was in neighboring areas. He asked how such concepts could be reconciled.

Senator Geller said there would only be compatibility on the Beach, and off the Beach if the neighboring city objected. Under the new compromise compatibility review would be relinquished. He said his definition of compatibility for the Barrier Island was that if an 18-story and 16-story building existed, a 17-story building could be erected. They could not place a 20-story building between a 3 and 4-story building that existed because it would not be compatibility.

Vice Mayor Trantalis asked about a redevelopment area that wanted to change the existing structures. He said he was referring to density more than height. He asked how they would respond to the demands for such change under terms of compatibility.

Senator Geller said if they did that a land use change would probably be required at the County level, but the County would not permit it regarding flex units. He said the compatibility on the beach was in regard to flex units. He said the County would still retain substantial control over the Barrier Island, but this was a compromise.

Commissioner Moore said he did not agree because the County's issue was the Barrier Island, and the two negotiating leaders consisted of the Mayor of Miramar and the Mayor of Hallandale. He said Hallandale's beach was built out, and Miramar did not have a beach. Therefore, the two negotiators were not from the major centers of impact regarding this matter. He asked about the parks in regard to this matter, and said they consistently stated it should be the people's choice. He said ultimately that they still would have to go to the County.

Senator Geller said the second issue is that if any of the parks were municipal ones, the matter did not apply because it was only in reference to County parks, State parks, and other County facilities adjacent to a Fire Station or other County owned properties.

The City Attorney said the only County authority presently existing was in regard to compatibility with the County's Land Use Plan. He asked if they were referring to compatibility regarding the Land Use Plan or neighborhood compatibility.

Senator Geller said that in 1999 the County amended the Land Use Plan to give them neighborhood compatibility review. He said Hallandale had filed a lawsuit with the City of Fort Lauderdale as Co-Plaintiff, but the City of Fort Lauderdale had dropped the suit, and therefore, as part of that suit there was County compatibility resulting in neighborhood compatibility. He said they could turn something down due to the present Code, and basically, was turning the County Commission into a super zoning board. He said the cities were upset about this.

Senator Geller further said the problem was that there were two choices. He said that at the request of the League of Cities, he is leading the fight about this. He said the

development community said they would raise an amount of money to help with the lobbying, but at the end of the day hardly any firms or companies stepped up to the plate as promised. He said the companies were afraid the County Commission would punish them regarding their projects if they helped the cities. He said they should have been more fearful of the cities because local approval was needed before County approval on projects. He said that due to his actions, a compromise was reached. He continued to state that he would support any agreement accepted by the cities and the County. He said if the cities had concerns, they should discuss them with the League of Cities. He said that Steve Ferran was willing to fight about this more so than Mayor Rogers, who was concerned about her city's CRA matters.

Commissioner Moore said this was part of the apprehension, and the cities will be threatened by the County.

Senator Geller said he made a commitment to support the cities, and if the League of Cities changed their position, he would continue to offer his support. He said it was no longer his job to be the negotiator between the cities and the County, and that the County treated the cities poorly. He said he fought harder than anyone to give the cities their local control.

Mayor Naugle said he felt this compromise was the best that could be reached.

Commissioner Moore said it was the best compromise now, but not the best compromise that could be reached. He said if the Mayors of Pompano, Hollywood, and Hallandale met with the Chair and Co-Chair of this Committee, there could possibly be another chance to do what the Senator is requesting. He said the City Attorney and Linda Cox need to review what is being recommended to see if it is proper for the three major cities located on the water.

Mayor Naugle said the City Commission put the brakes on the intensity of development on the Barrier Island, and in some ways having the County say no would relieve the cities of the ability to be sued on the takings issue. He said he was not concerned about this because in the past this Commission approved development of 120 units to the acre on the Barrier Island. Collectively, the Commission decided to put the brakes on, and he felt this compromise was a good one.

Senator Geller said other benefits were offered for the cities, such as putting flex units City-wide.

Commissioner Moore felt the flex unit issue could be discussed even further. He continued to state that it should be up to the majority of the City Commission, and not the County Commission.

Senator Geller said that since they went to single-member districts, one person has control over such decisions. He said there were problems with the compromise and it was not what he really wanted, but he felt it was better than what they had previously. He said that whatever the League of Cities supports, he would commit to support also.

Senator Geller said that Linda Cox was great, but when they were fighting this matter with the County, the County had all lobbyists on board, but the cities did not. He said the Cities of Hollywood and Hallandale agreed to hire one lobbyist who did an excellent job.

He said the County pulled a power play saying that if lobbyists on their payroll did not agree to lobby over the cities, they would be fired. He said the cities did not do the same thing. He said there were a lot of issues, and the lobbyists were not going to fight ten lobbyists on this issue.

Commissioner Moore said the lobbyists felt the municipal entities were not taking a strong approach.

Senator Geller said this was the County's top issue last year, but was #12 for the cities.

Senator Geller said another issue is the budget, and the cities could not have any money.

Vice Mayor Trantalis asked why Fort Lauderdale was still #47 in the State regarding educational spending.

Senator Geller said that they ranked #47 to #49 because Florida was one of the lowest tax states in the nation. There is a balanced budget amendment in the State's Constitution, and education was about one-half of the budget. He said they could not spend more than what they took in. He said that some of his colleagues argued that the amount of money spent did not necessarily determine the quality of education. He said he believed they need to provide a minimum amount, otherwise there would not be a good educational system. He said they need to spend money today on schools or the same amount of money would be spent 10 years down the road on prisons and social services. He said he is a member of the minority party.

Senator Geller further said he is currently the Chair of an 18-member group known as the Main Stream Democratic Forum. He said an argument exists as to whether the Democrats should try and win by energizing their base or by expanding the base going more towards the conservative side. He said the last election resolved the issue because both sides turned out their base. He said he is going to resign from the group because he is going to be the incoming Senate Democratic Leader. In 2006-2008, he is going to be the Senate Minority Leader and if he picks up six seats, then he would be the Senate President.

Senator Geller said he is still the President of the National Council of Legislators from gaming states. He said further that he serves on the Governmental Efficiency Appropriations Committee consisting of finance and tax, the Conference of Planning Committee dealing with growth management issues, the Judiciary Committee, the Vice Chair of the Banking and Insurance Committee, Committee Chair of Republican Presidents, and the Regulated Industries Committee covering alcohol, tobacco, gambling and utilities.

Senator Geller further said that in terms of the Planning Committee, the Governor consistently discussed that they needed a rewrite of growth management, but his Bill is DOA. The Senate is a bi-partisan place, and the House is solidly Republican and when they feel a bill is dead, it is dead. The Governor was planning on creating a new layer authorizing the Regional Planning Council to have more authority. The development community disagreed and did not want to go through a third layer. He said the Governor would never say he would support a tax increase, but he discussed funding the infrastructure. Neither the House nor the Senate will agree to vote funding the

infrastructure because it would require a tax increase. He said they were trying not to raise taxes at the State level, but to give the local governments the ability to raise taxes on their own without a referendum. He said he would not let the Senate Democrats vote in favor of a bill to raise taxes, and then have the Republicans blame the Democrats for the tax increase. He said if 60% of the Republicans vote yes, then 60% of the Democrats would vote yes, but this would not be a campaign issue.

Vice Mayor Trantalis asked if they were addressing the possibility of cities adding a sales tax in order to reduce property taxes. Senator Geller said they were discussing indexing the local gas tax by vote of the Commission, and the levying of infrastructure funds. He said he spoke with 4 of the 6 Republicans who were not supporting this, and unless they get 4 of the 6, then they would not get Democrats to support this. He said that unless the Republican President broke the arms of his Republican Members and they agreed, then he did not see there being votes to get this out of the committee or through the Senate or House.

Senator Geller said there is no management or planning regarding growth management. He said most of the constituents want growth in the same place – “somewhere else.” He said that due to the number of people moving to Florida yearly, they need to come up with a place to put those people. He said there were two choices. They could manage the growth and build a downtown with the density needed to make mass transit work and have a liveable and walkable community. He said if that is not done and only low rises are built, then there could be an increase of suburbanization of the entire State, and agricultural areas would be lost. It is more economical to service central areas with a high level of density, with good heights, good mass transit, and good bike paths and walkability. He said they needed to do something right now. He said Broward was the only County where the Commission had authority, and said there was no state-wide vision as to where things should be moving.

Commissioner Moore asked about member bills. Senator Geller replied that he filed about 50 member bills. Commissioner Moore asked if another could be placed. Senator Geller confirmed and said if there is a House sponsor, he would buy one that he agreed with. Commissioner Moore said he met with individuals who had been parole violators, and they want some type of methodology in the State of Florida where one could deal with a payment plan for paying fines and traffic tickets.

Senator Geller said if the person went to Court most Judges allow for the fines to be paid within 90 days. He said there were two issues involved. One is to permit individuals to pay according to a payment plan, and the other issue is whether arresting individuals who only had traffic violations is an appropriate use of State dollars. He said he did not think it is an appropriate use of State dollars, but this is complicated. He said a high profile murder had been committed and the murderer was not re-arrested because he violated his probation by not paying his costs for control and supervision. The Attorney General is filing legislation to crack down on people and make it easier to arrest individuals for failing to pay such costs. Commissioner Moore said that costs for control and supervision were a different matter.

Senator Geller said he would look into this situation further.

Bruce Roberts, Chief of Police, said various issues could be involved. He said such things were looked at as tools to bring in individuals regarding a possible homicide.

Commissioner Moore said that such things could hamper individuals who were trying to walk "the straight and narrow."

Senator Geller said the bench warrant caused the arrest, and not the failure of paying the ticket.

Commissioner Moore further said he is curious how funding issues would be dealt with since the Senator said there is no money.

Senator Geller said he did not understand the Governor's budget. He said there is a lot of money because of the hurricanes, and typically after a natural disaster, there is one year where there is a huge increase in taxes followed by a longer term of decline. He said the budget could be balanced this year due to the \$1 Billion dollars the State received. The Governor is asking for a permanent cut in taxes of between \$300 Million and \$400 Million. Next year's budget will be lower than this year's budget, and two years from now the budget will be back to one similar to this year's. According to the Senate Appropriations Committee, they did not understand this budget either. He did not think permanent tax cuts should be given due to a one-year surge in income. He said he filed a number of budget requests for the City of Fort Lauderdale and would work with the lobbyists. He said there is little result in asking for member projects because they are vetoed by the Governor.

Senator Geller said one of his top priorities is the Medically Needy Program which is one that provides health care for individuals who receive transplants and similar types of procedures. He said the Governor eliminated this from the budget and only retained the prescription component. He said he did not support such an elimination.

Vice Mayor Trantalis said the Oriole matter was important. Senator Geller said he was involved in this matter, and spoke with the Appropriations Chair. He said one of the problems is that this could be tied into the Marlin's Stadium fight. He said there were two points of view. One is should government be involved in these types of issues. He said further when billions of dollars are cut from the budget, there is less discretionary funding available for the government.

Senator Geller said he did not mind individuals wanting to pay less taxes, thereby receiving less services, or individuals wanting additional services while being willing to pay an increase in taxes. He said what upset him is individuals asking for additional services, but not willing to pay an increase in taxes.

Mayor Naugle said the Commission had a list of priority projects. He said in regard to the Sadowsky funds, the monies from the transfer tax ballooned, but Tallahassee said all funds should not go towards affordable housing. The Urban Partnership indexed the funds so they could go over and not be capped.

Senator Geller said one of the issues he disagreed with the Governor on is the issue of trust funds. He said the concept of such a fund is to set up a program and charge a certain amount of money to be used for spending on a particular item. The Governor decided to collapse most trust funds with money going into general revenue, and then the monies would be appropriated. Once that is done, the Sadowsky funds were reduced dramatically. He said he opposed this in the past and would do so this year. He

said he remembered the Sadowsky deal when he was in the Legislature. He said the first legislation he passed pertained to Florida having the toughest ride and safety inspection in the Nation. He said an inspection fee is charged and designated for inspections, but now it goes towards General Revenue, and General Revenue is to hire the inspectors. He said the fee might only generate monies for a certain number of inspectors. He said he opposed the breaking of the lock box and calling something a trust fund that was not. He said the Sadowsky was one of those issues.

Mayor Naugle said the bi-partisan group of the Urban Partnership is uniting to request this be indexed so it can grow, and they could then receive a portion back.

Senator Geller asked if the Commission had any other issues besides funding.

Mayor Naugle said an important issue is the Broward County Boat Facility Siting Plan dealing with the lawsuit regarding Manatee protection. He said there is proposed legislation limiting the construction of docks at a time when docks are being lost. He said the City wanted to make sure there is no net loss regarding boat slips while dealing with Manatee protection. The plan appeared to hold the Everglades harmless. He said Port Everglades accounts for about \$2 Billion of the County's economy with the Marine Industry accounting for about \$8 Billion. He felt the Marine Industry was taking the brunt regarding restrictions for future growth. He said boatyards are trying to expand.

Senator Geller said he wanted a resolution from Fort Lauderdale and other coastal cities regarding this matter. He said he was aware of the acute problem regarding the reduction of boat slips and dockage. On the other hand, he understood that people owning marinas had vested property rights, and if they could make money developing it, they would do so. Therefore, various problems occurred. Bills were currently being discussed in Tallahassee dealing with the issue of the loss of working shipyards. He said legislation was discussed regarding tax breaks. A working shipyard could receive tax breaks similar to the greenfields tax breaks.

Commissioner Teel said she is concerned about having a marina siting plan and felt they were overdue for one. She said in the long run, advantages were lost. She is also concerned that as they were losing working waterfronts and docks at marinas, the pressure is being placed on single-family residential areas to provide docks resulting in commercial intrusion into residential areas. Neighborhoods are being degraded and such intrusion is occurring into the northeast part of town. She said it was the Commission's responsibility to keep such things from happening.

Senator Geller said the matter involved two conflicting issues. While they wanted to maintain a working waterfront and docks, if they came up with inflexible methods for determining where docks could be placed, another problem arose. He understood and agreed that commercial intrusion should not occur into the neighborhoods.

Commissioner Teel said she did not think it was a conflicting matter, but a changing one. In the past the slips were for smaller boats, but now they were for mega yachts. She said the point is that more money could be made by selling out the marinas. The challenge for the City is not to allow such intrusion.

Senator Geller said this is a City issue, and anything he could do on a State level would be inflexible. He said the City wants to deal with such issues through their zoning code.

Mayor Naugle said the Manatees are attracted by an unnatural occurrence such as thermal pollution of the power plants, but no one is looking at this. If the natural attraction would end and the power plants would clean up the pollution, then there would be less mortalities occurring.

Senator Geller asked if the Commission wanted to discuss any other issues.

Mayor Naugle said that affordable housing is being discussed by the Commission.

Senator Geller said this is being discussed from the point of view of density, and the Broward Coalition for Affordable Housing agrees that greater density provides for more housing. He said one of the things he felt made sense is regarding development of beach front properties, and if flex units are used an assessment would be made.

Mayor Naugle said inclusionary zoning forces a developer to have low-income housing on the site with other types of housing.

Senator Geller said it is not realistic for someone to build an expensive unit and include affordable housing, but it is realistic for a contribution to be made to an affordable housing fund. He felt this made more sense than the inclusionary development.

Vice Mayor Trantalis said the theory might make sense, but he did not think the numbers added up to anything real.

Senator Geller further said that it is not the City's job to provide free housing. He said he did not know how many luxury units are approved per year. Mayor Naugle said about 5,000 units. Senator Geller said it is probably about 1,000 per year, and if the City acquired \$20 Million towards affordable housing, this would be a significant dent. He said they combine the lack of affordable housing with a request of a developer to build luxury units, and in principle the developer will help with affordable housing. He said another way to help is with density. Land is expensive but building taller is more affordable.

Mayor Naugle said in regard to annexation the City's policy is that they did not annex areas that did not break even. This City was the highest taxed City in the State on a per capita basis. The area west of the City has a deficit of \$6 Million, and therefore, to subsidize the area taxes would have to be raised. If an area could make the City whole over a period of time, then they would take the matter to the ballot.

Senator Geller said the County did the exact opposite by offering capital expenditure, but not operating. He said the Cities should have annexed the areas a long time ago, and the legislative delegation erred by permitting cities to "cherry-pick" tax rich areas, while at the same time insisting the cities take the tax poor areas. He said the legislature should not have permitted the City to take the Marina Mile area without insisting that they also take the tax poor areas to the west.

Mayor Naugle said the City stepped up to the plate regarding Riverland and the Melrose areas.

Senator Geller said he thought Riverland was tax positive, and therefore, the taking of such an area is not impressive to the legislature. He said the right thing should have

been done at the right time. He said he was beaten down in the annexation fight, and it is still a big issue. He said he was concentrating on the unincorporated areas in his district. He said one of his biggest frustrations is dealing with Pembroke Park and Carver Ranches, and he is convinced there were demographic overtones in the decisions made. He said he is happy to work with the cities.

Senator Geller said he did a poll and there was a 4-1 no vote against the Marlin Stadium. He said for him not to support the will of his constituents evidence is needed to show that funding should be received. He did not think this would pass legislatively. He said he was prepared to look at this. Monies were paid to the Marlins for retrofitting. He said he realized that individuals wanted the spring training facility.

Chief Roberts said one of his frustrations is the funding of school resource officers. Discussions were held with the School Board to use lottery fund monies, but nothing was done. The County could not fund it either and the School Board only contributes \$12,500 per year, while the full package totaled about \$100,000. He said the department pulled out of some of their commitment.

Senator Geller said funding is always a big issue and if new money is not raised, they were only moving money around and "switching death chairs on the Titanic."

Chief Roberts asked that the continuing support be provided for the police and fire funding.

Vice Mayor Trantalis said another important issue is juvenile crime, but officers did not have the authority to arrest under age persons. He said it was stated that the matter is up to the State legislature.

Senator Geller said that he filed a bill about 2-3 years ago, but it went nowhere. He said it got scored as a huge fiscal impact. If the individuals could not be arrested and placed in a secure facility, then the City did not have to pay for such a facility. If such a facility is to be paid for, then there would be a huge fiscal impact. He said funds were constantly cut, while the need increased.

Senator Geller said he heard from some of his cities on a regular basis, but he did not hear from this City. He urged the Commission to call him whenever necessary. He said the number for his local Senate office is 954-893-5089, and the number in Tallahassee is 850-487-5097.

Mayor Naugle thanked the Senator for his time.

There being no other items for discussion, the meeting ended at 1:32 p.m.