

**COMMISSION CONFERENCE MEETING      1:34 P.M.      FEBRUARY 15, 2005**

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

Absent:            Commissioner Moore

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

**I-A – Establishment and Selection of City Auditor**

**I-B – Billboards, Relocation and Rebuild**

Mayor Naugle said that Commissioner Moore is presently serving on jury duty and that he asked that Items A and B on the Conference Agenda be rescheduled so he could participate in the discussions. He asked if those items could be rescheduled for the next City Commission meeting. Mayor Naugle said that Commissioner Moore would give any Commission Report he might have at tonight's Regular Meeting.

Mayor Naugle asked if Commissioner Moore is to participate in the Closed Door Session scheduled for today. The City Manager said that Commissioner Moore did not request for those sessions to be postponed.

**I-C – Oakland Park Boulevard Bridge Painting**

Peter Partington, City Engineer, said that his understanding of the feedback they were receiving indicates that generally people are in favor of having DOT undertake this project with an 18-day closure. He said that DOT agreed to change the color from blue to beige and that a color palette would be shown.

Commissioner Teel said they were in debt to Eric Berkowitz, Web Master for Galt Mile Ocean's Newsletter, who did a poll regarding this matter and that 90% of the response wanted an 18-day closure for this project.

Mayor Naugle said that blue pigment did not hold up well and faded quickly.

**Action:** Approved as presented, and the project is to be completed within an 18-day time frame.

**I-D – One-Stop Shop Building, Construction Status**

Mayor Naugle said that a report and recommendation is provided and asked if anyone had any questions or comments.

Vice Mayor Trantalis asked if the problem with the roof prevented them from occupying the balance of the building or is the problem throughout the entire building.

The City Manager said there is a legal concern that by moving in they could compromise their legal position. Vice Mayor Trantalis said that is not the case because possession

did not necessarily mean they were abdicating, submitting or waiving any claim to a breach of contract. He said the entire Building Department is frozen, along with individuals connected with this, and he did not know why they were letting this strangle them.

The City Attorney said that normally they would take possession and it would not affect their position, but the problem is this could exacerbate the problems staff now had. He said the roof appeared to be leaking throughout the building.

Mayor Naugle said that ten years ago he would have agreed, but today with all the litigation taking place regarding mold, there could be employee issues involved.

Vice Mayor Trantalis said that the back-up material stated that the resolution is still pending, and asked when the resolution would be taken care of. Mayor Naugle said the dehumidifiers were being installed and they did not feel the roof was leaking, but that moisture is being trapped between the roof and the slab. If the water is drawn out and the weeping stops, and there is no mold problem, then clearance could be received from the inspectors. They would not know if everything will be okay until they try this.

Mr. Partington agreed with what the Mayor stated, and said that basically they were focusing on February 28, 2005 when they were going to have the inspector check if the roof was acceptable. If approved, then they would accept the entire property and plan to move in. If the roof was not acceptable, then a new approach would have to be taken.

Vice Mayor Trantalis said testing is occurring at the site of the leakage, but asked if testing is being done throughout the building in order to check if moisture is materializing between the layers.

Mr. Partington said testing is being done throughout the entire roof. He said they were watching 60 individual areas, and as of yesterday only 4 showed signs of active leakage.

Commissioner Teel asked if additional ventilators were being installed. Mr. Partington said that ventilation shelves were installed shortly after the problem was first discovered during the second half of last year. He said they felt the problem at that time would be solved quickly. Now, the process involved dehumidifying the entire building and running the air conditioning on a certain regime with the idea that the moisture would be drawn out of the roof, but that had not yet occurred.

Commissioner Teel asked if any connection was discovered between the air conditioning ducts, and the possibility of heat build-up between the ceiling and the roof deck. Mr. Partington said it is safe to say that for quite a while the air conditioning was not run at an optimum level in order to take the moisture out of the roof. He said they felt the air conditioning system is satisfactory, but they were reviewing the design to see if it contributed to the problem.

**Action:** Updates would be provided.

#### **II-A – 2004 Parks Bond Status Report**

**Action:** None taken.

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

Audit Advisory Board

**Action:** Deferred.

Aviation Advisory Board

**Action:** Deferred

Board of Adjustment

**Action:** Deferred.

Cemeteries Board of Trustees

Commissioner Teel said she wanted to appoint Larry Sherman to the Cemeteries Board of Trustees.

**Action:** Formal Action to be Taken at Regular Meeting.

Code Advisory Committee

Commissioner Hutchinson said she wanted to appoint Charles A. Love to the Code Advisory Committee.

**Action:** Formal Action to be Taken at Regular Meeting.

Community Appearance Board

**Action:** Deferred.

Community Services Board

**Action:** Deferred.

Economic Development Advisory Board

**Action:** Deferred.

Education Advisory Board

**Action:** Deferred.

Insurance Advisory Board

**Action:** Deferred.

Marine Advisory Board

**Action:** Deferred.

Nuisance Abatement Advisory Board

**Action:** Deferred.

Parks, Recreation and Beaches Advisory Board

**Action:** Deferred.

Unsafe Structures and Housing Appeals Board

Commissioner Hutchinson said that she wanted Jon Albee to be removed from the Board of Adjustment Advisory Board and appointed to the Unsafe Structures and Housing Appeals Board.

**Action:** Formal Action to be Taken at Regular Meeting.

Utility Advisory Committee

**Action:** Deferred.

**IV – City Commission Reports**

Mayor Naugle said that Commissioner Moore would give his reports at tonight's Regular Meeting.

Broward County Planning Council

Vice Mayor Trantalis said he was looking for direction in regard to two items that would be coming before the Broward County Planning Council. He said that votes were going to be taken regarding the collapsing of flex zones, and what impact it would have on the vote previously taken by the Commission regarding the 13,000 new flex units. He said it was his understanding that before new units were added to the table that contingencies or prerequisites were going to be attached to them, such as affordable housing.

Mayor Naugle said that Commissioner Moore asked that this matter be discussed at tonight's meeting when he would be present. He said that February 24, 2005 would be the public hearing.

The City Manager said that a draft letter could be prepared for the Commission's consideration expressing general support for the concepts.

Vice Mayor Trantalis said he wanted things to be more specific and direction to be given.

Vice Mayor Trantalis said that another component to be discussed was trafficways so a plan could be in place where traffic needs could be anticipated. He said not only should a plan be in place, but implementation steps taken. He said further the Commission had certain expectations to attach to the new allocations, and he felt now was the time to do so. He wanted to take such a message to the Broward County Planning Council so before anything new is approved, whether it is the collapsing of flex zones or the allocation of the 13,000 units, that this be placed as a priority requirement to the allocation so no one would think the 13,000 units were carte blanche, or that if they decided to collapse flex zones that they had a builder's right or property right, and the City would then find itself in a lawsuit demanding the units before they established requirements for trafficways or affordable housing. He hoped this could be placed as a condition before proceeding further.

Commissioner Hutchinson said she assumed the two are separate. She said in collapsing the flex zones such units could be used city-wide depending on how it is done. Therefore, the conditions could be different versus the 13,000 units in the north RAC. She felt this matter needed to be considered before any further discussion took place.

Vice Mayor Trantalis said a cap of 13,000 units could be placed or the collapsing of the units could be part of it. Commissioner Hutchinson said if they were part of the 13,000, then they would be stuck in the north RAC and someone south of SR 84 would not get any.

Mayor Naugle said this item would be discussed later tonight.

### **V – City Manager Reports**

#### **CRA Director**

The City Manager introduced the new Northwest CRA Director, Alfred Battle.

Alfred Battle said he is from Jacksonville, Florida, and worked the last 9 years in the City's Economic Development Office with the last 3 years working as the head of the Downtown Development Authority. Prior to that time, he said that he worked for 5 years building homes and developing subdivisions in central Florida. He said that he was anxious to come to the City and take over the CRA, and is looking forward to working with everyone to make good things happen in the area.

#### **Condo/Hotels**

The City Manager said there is a walk-on item regarding condo/hotels.

The City Attorney said he sent everyone a memorandum regarding the definition of condo/hotels. He said this issue arose about one year ago, and there is a new financing method regarding hotels. He said condominium financing is also being done. He said further that a problem arose with one of the hotels which was approved as a hotel, but they declared themselves a condo hotel. He said they were in an ABA District which did not allow residential, but ads were placed in the newspapers for permanent residents. He said they spoke with representatives at the hotel who disclaimed the ads saying they were resale ads and not part of their marketing team.

The City Attorney said his office reviewed the ordinance and they felt a definition of condo/hotel needed to be provided. He said the definition was not run by the industry, but they wanted to establish the definition for purposes of zoning in progress in the City. He said a draft ordinance has been prepared without consultation from the hotels or the development industry. He said they would meet with the stakeholders and bring back a proposed ordinance. Meantime, they wanted direction from the Commission and a public discussion regarding this matter.

Mayor Naugle said that some of the requirements for condo/hotels were needed so no one would be able to get around the regulations. He felt something should be recorded.

The City Attorney said they were concerned that individuals from either out of the area or international residents would buy a unit and consider it their permanent residence where that was not permitted. He said this is to enhance the City's tourism destination, its reputation and businesses. He said further there are different standards for various types of development. He said that such discussion needed to begin so today's date could be recorded for zoning in progress.

Mayor Naugle said this should not be characterized as a change or addition, but only a clarification based on current language. The City Attorney confirmed, and said they took the position with one of the developers that standard definitions found in State Statutes were adopted regarding hotels, and even though there was a lack of clarity, stays are limited to 30 days. He said they took the position that this was to clarify things, and not necessarily to adopt a new ordinance.

Vice Mayor Trantalis asked if they could not be challenged in saying that zoning in progress is simply something as ministerial as this, and no formal vote was taken by the Commission to initiate zoning in progress.

The City Attorney said case law involving zoning in progress is at a time when discussions are held at a public meeting. He said a vote did not have to be taken. He said there is a consensus to move forward and that is sufficient to begin zoning in progress.

Vice Mayor Trantalis asked about a project coming up or one already in the process where foundation permits were in place for developments under the old rules. Mayor Naugle said there are no old rules, and they were clarifying what is already on the books.

The City Attorney said this would clarify things and the only addition, not currently in the ordinance, is that the developer would be required to produce their condominium documents so the City could approve them, and make sure the appropriate disclaimers are included. He said this is not being done at this time. The regulatory scheme would not be changed.

#### EIS Meeting/Airport

Mayor Naugle said a meeting is scheduled on February 24, 2005 with the EIS at the Airport.

Commissioner Hutchinson said a meeting is scheduled for tomorrow night also at the Library, and that there would be about 3-4 additional meetings. She said she e-mailed the neighborhoods, and that tomorrow night the FAA is going to put together focus groups of individuals who participated in the past at such meetings.

Mayor Naugle asked if they were going to ask individuals to voice their concern about the two runways on the north.

Commissioner Hutchinson said it sounded as if they were going to scrap everything and begin all over again as was done in 1994. She said it might be bad because they could review the alternatives that everyone decided would not work.

Vice Mayor Trantalis said with the new Airbus being manufactured, the FAA might feel that runways should be prepared for such planes.

Mayor Naugle said this is the most offensive because they were going through the expense of separate runways, but then they were side by side and could not operate independently. Vice Mayor Trantalis said that it would affect the businesses on the north also. Commissioner Hutchinson said the tower which has just been replaced would also have to be torn down. Mayor Naugle said the Commission was behind the District Commissioner regarding this matter, and staff would provide whatever support would be needed. Commissioner Hutchinson said she hoped staff would be present at the meetings. She said that she brought the matter to the City Manager's attention.

Vice Mayor Trantalis said this Commission took a vote last year in connection with pushing the County Commission on this matter. He asked what position would be taken now, if they were to begin all over. Mayor Naugle said they had not yet begun over.

The City Attorney said if they begin over with the runway issue, then by that time the terminals would be built for additional traffic. He said they would end up in a lawsuit requiring them to close down some gates until the runway issue is resolved.

Commissioner Hutchinson said everything is in place except for the runway.

Vice Mayor Trantalis asked if the City wanted to be a Plaintiff in such a lawsuit. Mayor Naugle said they needed to show them the seriousness of not honoring their agreement.

Commissioner Hutchinson said they built towards the ultimate goal which is the south runway. She said they were currently building towards the end which is on the south side, but they did not want to face that.

Mayor Naugle said Fort Lauderdale is the only city with an actual presence inside the Airport since part of the Airport is within the City's limits. Commissioner Hutchinson said the City controlled the building permits. The City Attorney said the City would have to revoke an agreement that existed because the City gave them the authority to issue the permits.

Vice Mayor Trantalis asked if the parking garage is within the City's limits. The City Attorney said there is a small sliver of land in the City within the DRI which is the old abandoned US-1 right-of-way that goes through the middle of the parking garage. The City entered into an agreement with the County to allow them to issue the permits and

perform the inspections for construction of the parking garage that is within the City's limits.

Mayor Naugle said the County wanted that area de-annexed, but he insisted the City continue sticking it in there.

Commissioner Hutchinson said if they swapped out the sliver of land, then they would have "swapped out" of any say at the Airport.

Vice Mayor Trantalis asked if any decisions had to be made at this time regarding the matter. The City Attorney said no decisions had to be made right now.

Assistant City Clerk

The City Clerk introduced the new Assistant City Clerk and said that he came from the Community Development Department.

**EXECUTIVE CLOSED DOOR SESSION AT 2:04 P.M.**

**CONFERENCE MEETING RESUMED AT 2:45 P.M.**

There being no further business to come before the Board, the meeting was adjourned at approximately 2:46 p.m.