

Minutes of the Joint Meeting of the
City Council and
Board of Directors of Gateway 7
Development District, City of
Plantation, Florida, held
October 7, 1998

The meeting was called to order by Councilman Jerry Fadgen, President of the City Council.

Roll call by the City Clerk:

Councilwoman:	Rae Carole Armstrong
Councilmen:	Bruce Edwards Lee Hillier Ronald S. Jacobs Jerry Fadgen
Mayor:	Frank Veltri
City Attorney:	Donald J. Lunny, Jr.

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Invocation was offered by Mayor Veltri.

Pledge of Allegiance followed.

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Minutes of the joint meeting of City Council and Board of Directors of Gateway 7 Development District held September 16, 1998 were approved as printed. Workshop minutes were approved as amended.

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ITEMS SUBMITTED BY THE MAYOR

Mayor Veltri read Resolution No. 7483 in its entirety.

A RESOLUTION OF APPRECIATION TO LIEUTENANT CARLTON COOK FOR 24 YEARS OF DEDICATED SERVICE TO THE CITY OF PLANTATION.

*Motion by Councilman Edwards, seconded unanimously, that Resolution No. 7483 be approved and adopted.
Motion carried on the following roll call vote:*

Ayes: Hillier, Jacobs, Armstrong, Edwards, Fadgen
Nays: None

Congratulations were offered.

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Mayor Veltri presented a plaque to Dr. Marcelino Alvarez for his service on the Advisory Board for the Disabled from 1994 to 1998.

Mayor Veltri presented a plaque to Councilman Bruce Edwards for his service on the Landscape Planning and Review Board from 1996 to 1997.

Mayor Veltri presented a plaque to Councilman Lee Hillier for his service on the Comprehensive Planning Board from 1995 to 1997.

Congratulations were offered.

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Mayor Veltri read a Proclamation designating the week of October 12 through 18, 1998 as **NATIONAL SCHOOL LUNCH WEEK** in the City of Plantation.

The Proclamation was accepted by Principal William Milano, Assistant Principal Bobby Bolden, and Cafeteria Manager Betty Muir.

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Mayor Veltri read a Proclamation designating the month of October 1998 as **DOMESTIC VIOLENCE AWARENESS MONTH** in the City of Plantation.

The Proclamation was accepted by Police Chief Sharrett.

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Lillian Ragland, President of the Plantation Art Guild, presented a painting by Ruth Thomas Bell, a deceased resident. She requested the painting be hung in Deicke auditorium.

Ms. Ragland noted the painting would be a gift to the City and would have a plaque indicating it was presented in the memory of Ruth Thomas Bell from the James Thomas Family and Plantation Art Guild, Inc. The name of the painting is **Old Plantation Homestead**.

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Mayor Veltri advised free flu shots will be available on Friday, October 9, 1998 from 9:00 a.m. to 12:00 noon at the Plantation Central Park Gymnasium for residents ages 55 and over or those who are chronically ill, regardless of age.

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Councilman Jacobs was appointed to serve on the committee for the selection of a City Data Communication Master Plan.

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Mayor Veltri distributed a map showing three pieces of property along East Tropical Way. He advised the County has advised all three properties have value. He noted the City has been maintaining the parcels and has landscaped the triangular piece. He recommended accepting the parcels and selling them to the adjoining property owners. The assessed value of the parcels has not yet been obtained.

Councilman Hillier expressed concern for possibly paying closing costs twice.

Mr. Lunny advised a statute requires the County to convey the parcels to the City and it is done routinely without closing costs, if it is received pursuant to tax sales. He advised the City will get a quick claim deed and recommended the City similarly quick claim to the person wishing to purchase the property, noting there would be no closing costs. If the purchaser requires some other form of title transfer where the City makes special warranties, the City may wish to have more lawyer involvement.

There was a consensus for the Mayor to pursue the offer and to come back to Council with dollar amounts.

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Mayor Veltri advised that approximately three months ago it was noticed the new lining of the old pool had wrinkles. The problem was called to the attention of the engineers who want to fill the pool. He expressed concern for filling the pool while the problem exists and advised if the wrinkles are not gone after the pool is filled, further discussions will need to take place.

In response to Councilman Fadgen, Mayor Veltri advised the contractor feels certain that when the pool is filled, the wrinkles will disappear.

Councilman Edwards felt the problem was that the City does not have an expert opinion and will need to rely on the contractor's decision. He advised if they fill the pool and the problem is not resolved, it will be addressed at that time.

Mayor Veltri observed this problem did not arise when the other pool was built.

Councilman Hillier concurred with some of the Mayor's concerns. He advised an attempt has been made to minimize some of the wrinkles. He explained the manufacturer that water pressure will smooth out the wrinkles and will not cause a lifting problem. It was his feeling the wrinkles are the manufacturer's responsibility.

He further noted the striping issue has been resolved, meeting international standards and enabling international meets to be held there. This will provide a competitive advantage over Coral Springs, Fort Lauderdale, and other cities whose pools are built to US standards.

Councilwoman Armstrong expressed the need to be sure the integrity of the pool would not be jeopardized in any way if there was a bubble which could possibly rupture or leak in the future and cause distortion to the striping or marking of the pool.

Mayor Veltri concurred with Councilman Edwards that the contractor is being put on notice at this meeting tonight. If the pool is not right once it has been filled, Council will have the option of accepting or rejecting it.

Councilman Hillier expressed the need to get the pool operational.

Mr. Lunny recommended the contractor provide in writing an outline of the proposed remedy and why the contractor believes it would be the equivalent of the promised product.

Councilman Hillier advised the product seems to be extremely durable.

Councilman Edwards concurred that the notice should be in writing and should require a response from the contractor in writing as a matter of record.

There was a consensus for the City Attorney to write the letter.

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CONSENT AGENDA

Items CA-1, CA-5, and CA-6 were removed from the Consent Agenda and considered separately.

Mr. Lunny read the Consent Agenda items by title.

- CA-2. Approval to repair sanitary sewer line at 5251 SW 21 Street by Madsen/Barr-Philip Utilities for an amount not to exceed \$10,395.
- CA-3. Approval of emergency replacement of Pump #2 at Lift Station 47 from Southeastern Pump Corporation in an amount not to exceed \$3,600.
- CA-4. Approval of recommendation by Metcalf & Eddy, Engineers, to award bid for East Plant deepwell construction to Youngquist Brothers for \$3,198,503.
- CA-7. Resolution No. 7484
RESOLUTION confirming a Plantation City Lien of Utilities Service Charges for 4721 NW 8 Dr.
(**MARTIN A. KENNEDY**)
- CA-8. Resolution No. 7485
RESOLUTION confirming a Plantation City Lien of Utilities Service Charges for 600 Azalea Ct.
(**ROY OLSEN**)

Resolution No. 7486

CA-9. **RESOLUTION** approving expenditures reflected in the Weekly Expenditure Report for September 17 – September 30, 1998.

Motion by Councilman Hillier, seconded by Councilwoman Armstrong, to approve tonight’s Consent Agenda as read. Motion carried on the following roll call vote:

Ayes: Hillier, Jacobs, Armstrong, Edwards, Fadgen
Nays: None

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CA-1. Award bid for playground equipment to the lowest bidder meeting specifications, Dominica Recreation Products for \$48,861.

Mr. Lunny read Item CA-1 by title.

A memorandum dated September 18, 1998 to Bob Brekelbaum, Administrative Assistant to the Mayor, from James Romano, Director of Parks and Recreation, follows:

“Bids for the above referenced playground equipment were opened September 8, 1998. Five bids were received as follows:

Southern Park and Play Systems	“No Bid”
American Park and Recreation Co.	\$44,584.00
Dominica Recreation Products	\$48,861.00
Royal Pacific Co.	\$61,889.00
Pete Jeffrey and Associates	\$62,985.00

We are recommending Dominica Recreation Products in the amount of \$48,861.00. They have met all the requirements of the RFP. The low bidder, American Park and Recreation Company, were not able to provide all the recommended requirements of the RFP. They do not have a lifetime-limited warranty on their uprights; they have a limited 12-year warranty. They are not IPEMA (International Playground Equipment Manufacturers Association) certified, although they are asserting that they exceed the testing standards set by IPEMA. They do not carry \$50,000,000.00 manufacturer’s liability as recommended, though they do have \$10,000,000.00. Further, the equipment they are providing does not have all the components requested.

This year’s budget for replacing playground equipment is \$20,000.00. As we discussed previously, we are going to replace the equipment at Central Park and enlarge the play area to accommodate more children. The majority of the bid is for this equipment and it’s installation.

If this meets with your approval, I would like to put this on Council agenda for a consent to purchase. I would also like to request that this item be carried into the new fiscal year, as delivery will take a minimum of 6 weeks.

Your attention to this matter is appreciated.”

In response to Mayor Veltri, Jim Romano explained that \$25,000 of this will be used for the new tot lot at Plantation Central Park. The present tot lot equipment is approximately 15 years old. The remainder will be replacement equipment for other tot lots in the community.

Councilman Hillier referenced the configuration and possible conflict with traffic. He questioned whether the area would be sealed off with a gate and whether there would be additional costs associated to make that a safer area.

Mr. Romano advised in the Master Plan which will be presented in several weeks, the plan is to redirect the traffic from the area. The new entrance will be directed around the new myrtha pool, north of the existing entrance.

Councilwoman Armstrong was pleased that some of the tot lot equipment was being replaced, especially in some of the older parks. She advised there is a group interested in working within the Central Park area and Volunteer Park to bring the community a playground system that is unique in nature and has a volunteer

participation in order to get it developed. She stressed the importance of replacing the playground equipment that is there. She noted an objective would be to expand the tot lot before more equipment is purchased in the future, particularly in the Central Park area.

Councilman Hillier endorsed the quality and durability of Dominica Recreation Products.

Motion by Councilman Edwards, seconded by Councilman Hillier, to approve Item CA-1 as requested. Motion carried on the following roll call vote:

Ayes: Hillier, Jacobs, Armstrong, Edwards, Fadgen
Nays: None

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CA-5. Approval of contract with QED Engineering, Inc. for relocation of existing generator at Fire Station No. 2 to City Hall for \$6,000.

Mr. Lunny read Item CA-5 by title.

A memorandum dated October 1, 1998 to Mayor and Members of City Council from Robert E. Brekelbaum, Finance Director, follows:

“MediaOne is going to provide a new emergency generator for Fire Station No. 2 as part of their agreement. Therefore, the existing generator can be used for another facility. In discussions with Chief Pudney, it is felt that relocating this generator to City Hall would be best since the existing generator cannot handle the entire electrical load. QED Engineering, Inc. was contacted to provide a proposal for preparation of work, drawings, and specifications.

Administration recommends approval of the contract for \$6,000.”

Mayor Veltri explained the proposal. He noted the generator at City Hall is from 1973.

Councilman Hillier discussed the need for a generator at Volunteer Park and suggested placing a donated generator at that location.

Mayor Veltri agreed, when the time comes, it will be considered.

Motion by Councilman Hillier, seconded by Councilman Fadgen, to approve Item CA-5 as read. Motion carried on the following roll call vote:

Ayes: Hillier, Jacobs, Armstrong, Edwards, Fadgen
Nays: None

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Ordinance No. 2167

CA-6. Second and final reading of an amended ordinance rezoning 6.4131 plus or minus acres from B2P (Central Business) to PRD-15Q (Planned Residential Development – up to 15 dwelling units per acre); providing explanatory provisions, a savings clause, and an effective date therefor. The property being rezoned is described as lying in Section 8, Township 50 South, Range 41 East, and more commonly described as Tract “B” of Jacaranda Parcel 910, according to the plat thereof, as recorded in Broward County Plat Book 109, at Page 46, and located at the southeast corner of West Broward Boulevard and Jacaranda Country Club Drive. **(CAREMATRIX)**

Mr. Lunny read Item CA-6 by title.

First Reading of this ordinance took place on September 16, 1998.

Mr. Lunny noted Ordinance 2167 was amended at the developer’s request. He advised a closing was contemplated for a certain date and the ordinance would automatically be null and void if the deed was not recorded as of that date. The applicant requested the date be changed to December 3, 1998. It was amended and agendized.

Councilman Hillier referenced the down zoning which he felt was a benefit to the City with regard to activity occurring at the intersection of Jacaranda Drive and Broward Boulevard.

Mike Schwartz, CCL Consultants, advised he and the developer met with the City Engineer concerning the entrances within the parcel and have agreed to a concept. He explained that the northern entrance now lines up with the existing opening and there is a turn-lane now provided for access to the property

City Engineer Gus Khavanin explained in making it safer for the Fire Department, there was a need for that opening. He noted the driveway was moved further away from the intersection for safety purposes and an exclusive left turn was provided for the Fire Department to avoid blocking traffic and rear end accidents. Flowering trees will be placed in the median which will remain. The landscaping in the median will be removed and put in the corner of the property. The median is currently 20 feet and will be reduced to 8 feet.

It was advised the landscaping will be fully coordinated with the City Landscape Department to be sure the appropriate landscaping is placed within the median.

Councilwoman Armstrong advised the concern regarding the site was to encourage as much traffic as possible to enter from the Broward Boulevard entrance in lieu of Jacaranda Drive because of the nature of the drive and the residential community it serves. She wanted to be sure they were not encouraging or inviting more trips to this location than would otherwise come there.

In response to Councilwoman Armstrong, Mr. Khavanin indicated according to the traffic study, there would be no more than six cars per hour during the peak hours in the morning and afternoon, and would have no effect on traffic.

Mr. Schwartz further noted there would be appropriate signage to lead vehicles to the West Broward entrance to act as the main entrance and direct them through the property.

Councilman Edwards advised Mr. Schwartz to check with Jacaranda Country Club regarding an agreement they may have with the City regarding maintenance of the median.

Motion by Councilman Hillier, seconded by Councilman Fadgen, to approve Ordinance No 2167 subject to the compromise solution with the Engineering Department. Motion carried on the following roll call vote:

Ayes: Hillier, Jacobs, Armstrong, Edwards, Fadgen
Nays: None

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PUBLIC ANNOUNCEMENTS

Richard Allison announced Folk Life Days would be held at the Stephen Foster State Folk Cultural Center in White Springs, Florida on November 12 and 13, 1998.

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Richard Allison advised Main Street coloring books are available for \$3.00 each.

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Richard Allison presented the Apple Award to Bruce Manuel, Frank DeCelles, and the crew for their efforts during the hurricane. An Apple Award was also presented to Luanne Burwell.

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Richard Allison announced the Urban Planner is having a meeting at Deicke Auditorium on Saturday from 9:00 a.m. to 1:00 p.m. Businessmen and women throughout the City are invited to attend.

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Richard Allison congratulated Deirdre Davidson, Miami Herald reporter, on her marriage.

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Betty Cobb announced a fundraiser at the Plantation Historical Museum located behind the Hoffman Plantation Library, 501 North Fig Tree Lane on October 8, 1998 from 1:00p.m. to 3:00 p.m. and from 7:00 p.m. to 9:00 p.m.

Ms. Cobb expressed thanks to those who generously donated and participated in the Historical Society's flea market.

Ms. Cobb noted there will be a Tupperware bingo party to benefit the Museum on Friday, October 16, 1998 in rooms 3 and 4 at the Community Center from 7:00 to 9:00 p.m.

Ms. Cobb requested book donations, magazines, games, or puzzles for the Friends of the Hoffman Plantation Library.

Ms. Cobb announced the Inmate Art would be exhibited during the month of October. A reception will be held on Sunday, October 25, 1998.

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Councilman Edwards advised the Chamber of Commerce conducted its first twilight tennis tournament on Friday, October 2, 1998. He advised it was a success and expressed hope it would continue on a quarterly or semi-annual basis.

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4. ADMINISTRATIVE ITEMS

4-A. DISCUSSION CONCERNING PROPOSED CONDITIONAL USE FOR TUTORING IN A B-2P ZONING DISTRICT (HUNTINGTON LEARNING CENTER AT PLANTATION PROMENADE)

Vicki Siegel, Vice-president of the Huntington Learning Center, requested permission to pursue a temporary use while pursuing a conditional use in the Promenade Shops at Cleary Boulevard and Nob Hill Road.

Ms. Siegel advised they would proceed at their own risk and the bold harmless document would be signed by the prospective tenant and landowner.

Councilman Jacobs encouraged Ms. Siegel to verify that the parking requirements will be met under the City formula. He advised the Building Department could provide guidance with regard to parking requirements.

In response to a question by Councilman Edwards, Ms. Siegel indicated she anticipated having more than ten permanent students.

Councilwoman Armstrong expressed concern for the parking. She advised the Applicant to investigate the conditions placed on the day care center at the same location to see if any of those conditions apply to this facility because of the age of the children being serviced. She suggested that perhaps a rear entrance could be established which would enable the use of the multitude of parking in the back.

Councilman Hillier referenced the circulation pattern in front of the day care center and questioned whether the drop off at this facility would conflict with the day care center.

Mr. Lunny recommended the issue of distance requirements between schools and facilities serving alcoholic beverages be investigated.

Motion by Councilwoman Armstrong, seconded by Councilman Edwards, to allow the Applicants to proceed at their own risk with the hold harmless document, provided the Building Department conditions are met. Motion carried on the following roll call vote:

Ayes: Hillier, Jacobs, Armstrong, Edwards, Fadgen
Nays: None

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4-B. CONTINUED DISCUSSION CONCERNING A FLASHING LIGHT AT SAWGRASS ELEMENTARY SCHOOL.

A memorandum dated October 1, 1998 to Mayor and Members of Council from Councilman Lee Hillier, follows:

“As per September 16th Council meeting input, I am bringing this subject back for discussion. Plantation is one of only two cities without a standard interlocal agreement with Broward County. Here is the enclosed agreement form for consideration.

Sunrise Mayor Feren offered to cooperate at Sawgrass Elementary in his March 19, 1998 letter. Plantation Council took responsible action May 27, 1998 but this Administration has not expeditiously resolved this safety problem.

Three steps must occur to install safety lights in a cost-effective manner.

1. A sidewalk on NW 8th Street's south side to reduce zone costs and comply with the State's two-mile requirements.
2. Plantation should sign the County interlocal agreement.
3. Cooperate with the School Board for phasing program.

Any further concerns can be addressed at Council on October 7.”

Mr. Lunny indicated he called Broward County at the request of Councilman Hillier, Councilman Edwards, and Mayor Veltri and was advised that if the City wishes to install the Sawgrass Elementary School light, which is a decision solely of the governing bodies, no interlocal agreement is needed. He noted there is already an interlocal agreement which would accommodate the City advancing the cost for the light.

Mr. Lunny further explained that if the City wishes to explore incurring the same cost for schools within Plantation, the existing interlocal agreement would have to be modified to include those sites as well. Additionally, if the City pays for the light, no reimbursement will be made by either the School Board or Broward County. He clarified the only benefit to having an agreement with Broward County would be that they would assume responsibility for maintenance from the first day the light is installed.

Discussion ensued with regard to the time frame involved in contracting and installing the light.

Mr. Lunny advised Sawgrass Elementary is outside the City. However, in his opinion there is a sufficient nexus between the public interest of protecting the students residing in this City going to that site that spending the money under these circumstances would be permissible.

Mayor Veltri indicated he contacted the School Board and was advised the school district has never mandated a light system; however, they do mandate signage. Under pressure, the County took it upon themselves to budget each year a certain amount of funds to install the lights. The funding amounted to between twelve to fifteen lights according to the severity of the installation. He advised this request had only reached the third stage and remains at number 52. Under those conditions, it would take approximately three to four years before the light was installed. He further noted a committee prioritizes the requests.

Mayor Veltri indicated Mayor Feren contacted him and offered to divide the total cost which will be between \$10,000 and \$15,000. Mayor Veltri noted he was not opposed to spending the money for the light and reiterated none of the money will be reimbursed. The County will provide whatever assistance is necessary.

The Mayor was not certain how long it would take to complete the installation; however, he expressed hope that it could be installed by the first of the year. A memorandum is forthcoming.

Councilman Edwards favored moving forward at this time if it is established that there is a need at this school. It must also be determined when this improvement will be implemented.

Councilman Hillier advised he has personally observed the situation during morning and afternoon pick-up times. He indicated it is a desperate and serious problem. He mentioned the issue of installing the sidewalk on the south side of NW 8th Street where there is no sidewalk for approximately 650 feet. He referenced videotape from Channel 10 filmed on September 2, 1998 which documents how much traffic occurs at that location and the severity of the situation. He emphasized the need to cooperate with the City of Sunrise to ensure the safety of all the children and advised of several other school locations which he felt are in need of traffic lights.

Councilman Jacobs questioned the conclusions of Councilman Hillier with regard to the necessity of a flashing light at Central Park Elementary on Cleary Boulevard. He expressed concern with the City of Plantation spending tax dollars doing work for which another governmental agency is responsible. Furthermore, he opposed signing the interlocal agreement, a draft of which was provided by Councilman Hillier, because it would delegate to Broward County the City's authority to regulate traffic, control speed limits, and designate traffic sign locations.

In response to Councilman Jacobs, Councilman Hillier described the traffic problem at Sawgrass Elementary, referencing the speed of traffic and the fact that drivers do not adhere to crossing guards' directions to slow down. He also felt the traffic light would limit the area of focus for the school guard crossing area. He advised there is parking on both sides of the road, thereby increasing the danger. He stressed this also becomes a risk management decision with regard to liability in the event of injury to a child.

Councilman Jacobs felt the light would not eliminate those problems.

Councilwoman Armstrong advised she could not look at the issue and tie it into an interlocal agreement or the necessity to look at the other locations. She emphasized there is no other school located on a corridor as wide as that or that is set back as far as that school is. Additionally, there is considerable traffic because of the Sawgrass Mall. Many of the other schools are internally located. She felt there is a need for the light at Sawgrass Elementary. However, she did not feel that installing the sidewalk was the responsibility of the City of Plantation but, rather, was part of the City of Sunrise and that it should be installed by them in order to achieve an overall solution to the problem.

Councilwoman Armstrong indicated the suggestion was made that designated walkways be installed so the children can get from the west side to the east side. She felt that could be accommodated and would help solve the safety issue since there is a problem crossing Commodore Drive in order to go north to the school. She urged Council to move forward.

Councilman Edwards advised this issue was brought forward by the PTA of Sawgrass Elementary. He emphasized a common sense solution needs to be found to resolve the safety issues.

Councilwoman Armstrong suggested offering the contribution to the City of Sunrise and letting them move forward.

Councilman Fadgen concurred with the comments of Councilman Jacobs. He felt we could not go overboard relative to taking on the responsibilities of other governmental bodies with regard to solving problems or speeding up the solution. In this instance, however, it is clear there is a problem and suggested the City proceed.

Discussion ensued with regard to the amount of money to contribute and the timing of the installation.

*Motion by Councilman Hillier, seconded by Councilman Fadgen, to approve an expenditure for **half** the cost of the installation of the flashing light at Sawgrass Elementary School. A check for \$7,500 will be sent to the City of Sunrise for implementation and the difference will be determined and adjusted once the light is installed. Motion carried on the following roll call vote:*

Ayes: Hillier, Jacobs, Armstrong, Edwards, Fadgen
Nays: None

It was suggested that when the check is sent, a request should be included for the City of Sunrise to complete the sidewalk at their own expense. The City of Plantation should look into putting crosswalk markings along Commodore Drive.

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4-C. DISCUSSION REGARDING AD HOC BUDGET ADVISORY COMMITTEE FOR FISCAL YEAR 1999-2000.

Note: This item was moved forward from Item 7 on tonight's agenda.

This item was discussed at Workshop on May 13 and at City Council on June 10, 1998. (Resolution No. 7408)

Councilman Edwards explained that when the resolution was drafted, there were some parameters as to how the committee would operate. It was determined this committee would need a topic and would operate at the beginning of a budget year, allowing the full year to review the topic and make recommendations. He questioned whether there was a topic that Council wished to select for the ad hoc committee.

Councilman Hillier recommended the following:

- Charter schools
- Land acquisition for parks
- Funding for the State Road 7 revitalization and economic development

It was noted that each elected official has one appointment with a rotating seat.

Councilman Fadgen suggested each of the Council members, staff, and citizens of the City recommend other items which might be considered. The list can then be consolidated and prioritized with the Finance Director for the next agenda.

Councilman Edwards suggested insurance review as a topic. It was his feeling this needs to be reviewed from time to time.

Councilman Edwards expressed concern for how the City of Plantation will deal with technological problems created by the year 2000, noting there could be budget items tied into this issue. The committee could look at the City's contingency plan for each department and the problems the City could encounter if failures should occur outside the City.

Councilman Fadgen advised the Finance Director has a draft report as a result of an earlier discussion concerning the year 2000 problem which is scheduled to be released this week. It is not intended to be a final report but a continuing effort to assure that the City has some control.

Councilman Jacobs advised he would treat the year 2000 problem as an operational issue. He felt it would be more appropriate for staff to be looking at that issue rather than appointed citizens. He did not feel the computer set-up would be a problem, however, it could be an issue if the power or phone companies fail. Some of the issues related to this problem have not been thought of yet and there could be a domino effect that no one has imagined. It was his feeling the professional people and staff should pay attention to the issues and be as prepared as possible for what may occur; however, he did not feel this was an appropriate topic for the budget committee.

Councilwoman Armstrong advised that subject goes beyond staff and the City will be affected by what goes on outside. She felt a committee from the outside would look at issues that are not internal to the City's operation but external issues that would potentially have an effect on the City.

Councilwoman Armstrong recommended looking at the issue of how build-out will affect the City and the City revenues. She emphasized the need to determine what the City will do progressively to make a plan for the next period of time so that plans have been made ahead of time to move forward with the appropriate infrastructure, budget dollars, and acceptable tax millage rate.

It was recommended the top three issues from each Council member and the top three issues from staff be submitted in two weeks for consideration. Councilman Fadgen encouraged residents to submit items for consideration to the Finance Director to be compiled on a list.

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5. PUBLIC HEARINGS DETERMINED BY STAFF TO BE LEGISLATIVE IN NATURE

5-A. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE PERTAINING TO THE SUBJECT OF THE *BOARD OF TRUSTEES OF THE GENERAL EMPLOYEES RETIREMENT SYSTEM* FOR THE CITY OF PLANTATION; CHANGING THE SAID COMPOSITION OF SAID BOARD'S MEMBERS AND HOW SUCH MEMBERS ARE SEATED OR SELECTED; AMENDING PROVISIONS WITH RESPECT TO MEMBER TERMS OF SERVICE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

Mr. Lunny read Item 5-A by title.

This item was discussed at Workshop on September 16, 1998.

Mr. Lunny explained that after the September 16, 1998 City Council meeting, he learned that all of the board member appointees' terms expired on September 30, 1998. He noted the terms of service should be two years instead of three years.

In response to a question by Councilman Jacobs, Mr. Lunny clarified the Mayor would not have a veto privilege. The charter requires that the disposition of business of the City at Council level be by resolution or ordinance. It was his opinion the adoption of this ordinance would allow Council to appoint people to the board if three Council members agreed.

Councilwoman Armstrong did not see a justification for making a change to this degree. It was her feeling the Mayor should have the right to have veto power. Furthermore, she felt by removing the position independently elected by the composite group, it is disenfranchising the employees and the right for them to have some input with regard to who the seventh person is on the board. She suggested either it be left as it is or that the Council member appointment should be a rotating appointment and that each Council member should have an opportunity to serve.

Discussion ensued with regard to a system of checks and balances.

Councilwoman Armstrong observed there are currently three employees, and three elected officials, and a citizen. Basically, the elected officials are representing the citizens and, therefore, there are four representatives in that group reflected indirectly. She felt that the board as it existed was appropriate and that the proposal goes too far in the other extreme.

Councilman Fadgen concurred there was no compelling reason for change. He noted Council members are representatives of the people and ultimately responsible for the soundness of the pension plan. It was his feeling that reducing the number of elected officials would be a crucial change and it would be important to have at least three elected officials continue to serve on the board. He did not have a problem with rotating the elected official on the board of trustees. He advised he would not support the ordinance.

Mayor Veltri noted the people are the taxpayers and elect the Mayor and Council to represent them. He felt the change would put the power into another individual whereas Council should be acting in their capacity. He advised the current system has worked and the City has been protected. He opposed the change and believed the system should remain as it is.

Councilman Edwards explained that with the two citizen appointments elected officials would have the ability to serve in the capacity of citizen. He further noted he was not afraid of people in the community participating on the boards.

Councilman Hillier supported Councilman Edwards' initiative because it goes to the core of the current appointee system. He noted currently there are three elected officials to be appointed by the Mayor and shall include the City Treasurer. The new solution would provide for one member of the Council to be selected by at least three members of the Council. He felt one individual should not be able to override all the others and noted the proposed ordinance would provide equal representation for the City.

In response to a question by Mayor Veltri, Councilman Hillier advised one of the boards recently found that some actuarial number would have saved the City approximately \$800,000. It was his feeling the more objectivity brought into the system may have provided another approach for an earlier solution.

Councilwoman Armstrong expressed appreciation for the system of checks and balances and did not feel this should be a committee that is heavily dictated by the Mayor. She advised she does not see that the situation currently exists except to the extent that the Mayor does have the appointment for the third Council member and she agreed that should be a rotated position.

With regard to citizen involvement, Councilwoman Armstrong has openly welcomed and encouraged it. However, this board represents a different kind of position because it is a retirement board and is basically the board of the employees of the City. It is funded by tax dollars and there is a responsibility to the tax dollars and to the citizen vested in the elected official and operating staff of the City. In her opinion, the board is in balance as it currently exists. She emphasized she would rather see another employee placed on the board than an outside citizen.

Bob Peck, one of the founders of the plan, advised he served on the General Employees Board for 31 years, the Police Board for 20 years, and the Fire Board for 10 years. He suggested that perhaps all three boards should be composed in the same manner and their terms should be the same duration. He suggested for uniformity, Council should consider having this board the same as the other two boards which were changed by the state statute.

Councilman Edwards questioned whether Councilwoman Armstrong would support an ordinance for the board to be comprised of two elected officials selected by three Council votes and one citizen being selected by the board once it was made up.

It was Councilwoman Armstrong's preference would be to leave the Mayor and the City Treasurer on the board, recognizing the City Treasurer is an appointment by the Mayor, may or may not change but will be a Council member. The third elected position would be a rotating position among the City Council members, two employees, and the fifth member be appointed by the group so that the employees continue to have opportunity to have input into the decision.

Councilman Edwards reiterated the need for checks and balances and expressed the desire for there to be participation by citizens.

Councilman Jacobs concurred with Mr. Peck's suggestion to make all the boards consistent.

Councilman Fadgen favored having an elected official on the board rather than an additional citizen or an additional employee. He agreed to rotating the third elected official. He emphasized he did not see a compelling reason to change.

Councilman Hillier concurred with Councilman Jacobs's comments. Although he liked the way it was written now, he felt that perhaps it should be reconsidered to be in parity with the other two boards.

In response to a question by Mr. Lunny, it was noted an elected official could serve as a citizen.

Motion by Councilman Edwards, seconded by Councilman Hillier, that the ordinance be approved on first reading with the term being amended for two-year term and the make-up of the board consisting of two general employees elected by the employees, two citizens appointed by Council, and those four members would choose the fifth member on the board. Motion carried on the following roll call vote:

Ayes: Hillier, Jacobs, Edwards
Nays: Armstrong, Fadgen

NOTE: Mayor Veltri exercised his power to veto; therefore, the motion **FAILED**.

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Councilman Fadgen referred to the guidelines for those addressing the Council as witnesses having been sworn in.

All witnesses intending to testify on quasi-judicial items during tonight's meeting were sworn in by Sharlene Miers, City Clerk.

QUASI-JUDICIAL CONSENT AGENDA

QC. NONE

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6-A. **PROJECT NO. 2542:** DEFERRED RECONSIDERATION OF REQUEST FOR APPROVAL TO AMEND THE APPROVED SITE PLAN FOR THE **CLEARY COURT APARTMENTS** SO AS TO PROVIDE A GATED COMMUNITY WITH A FENCING/SECURITY SYSTEM. PROPERTY LYING IN SECTION 4-50-41 AND LOCATED AT THE SOUTHWEST CORNER OF CLEARY BOULEVARD ND PINE ISLAND ROAD.

The Applicant requested to defer this item to October 21, 1998.

Motion by Councilman Hillier, seconded by Councilman Fadgen, to defer Item 6A to October 21, 1998. Motion carried on the following roll call vote:

Ayes: Hillier, Jacobs, Armstrong, Edwards, Fadgen
Nays: None

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6-B. **PROJECT NO. SR7-SP-4436:** RECONSIDERATION OF REQUEST FOR SITE PLAN ADJUSTMENT APPROVAL FOR PROPERTY IMPACTED BY FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY ACQUISITION AND WIDENING ALONG STATE ROAD 7. PROPERTY COMMONLY KNOWN AS THE **MMM PROPERTY**, DESCRIBED AS A PORTION OF LOTS 1, 2, AND 3, BLOCK 2 OF "COUNTRY CLUB ESTATES – UNIT A", AS RECORDED IN PLAT BOOK 23, PAGE 4 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LYING IN SECTION 12, TOWNSHIP 50 SOUTH, RANGE 41 EAST. CONTAINING 0.46 PLUS OR MINUS ACRES, AND LOCATED AT 51 – 91 SOUTH STATE ROAD 7.

Item 6-B was removed at the request of the Applicant. No date was specified.

Motion by Councilman Hillier, seconded by Councilman Fadgen, to defer Item 6-B. Motion carried on the following roll call vote:

Ayes: Hillier, Jacobs, Armstrong, Edwards, Fadgen
Nays: None

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Resolution No. 7487

- 6-C. RESOLUTION APPROVING A 30,300-SQUARE-FOOT ADULT EDUCATIONAL FACILITY AS A CONDITIONAL USE TO BE LOCATED IN A B-7Q ZONING DISTRICT ON PROPERTY LYING IN SECTION 4, TOWNSHIP 50 SOUTH, RANGE 41 EAST, AND DESCRIBED AS TRACT "B" OF THE AMERICAN EXPRESS TRACT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN BROWARD COUNTY PLAT BOOK 82, PAGE 35 AND LOCATED ON THE FIFTH FLOOR OF THE LAKESIDE OFFICE PARK AT 600 N. PINE ISLAND ROAD; PROVIDING FOR CONDITIONS AND LIMITATIONS ON THE ALLOWED USE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFOR. (*UNIVERSITY OF PHOENIX*)

Mr. Lunny read Resolution No. 7487 by title.

Notes from M. A. Mac Lain, Director of Building and Zoning, follow:

I Summary of Proposal

Property is zoned B-7Q, consists of 25 acres, and is platted.

The Applicant is seeking conditional use approval to allow the University of Phoenix to operate a 30,300-square-foot adult educational facility on the fifth floor of the Lakeside Office Park. Nineteen (19) classrooms are proposed with a projected enrollment of 300 adult students. Evening classes will be conducted and geared to those adults seeking both a bachelor's degree and a master's degree. Also being offered is on-line computer education for those students who will not be able to attend classes.

Hours of operation will be from 5:30 p.m. to 10:00 p.m. Monday through Thursday, and 9:00 a.m. to 6:00 p.m. on Saturday.

The anticipated occupancy at any given time is 90% or 240 students. Approximate number of employees is 16. No meals will be served nor will there be any retail sales.

II History

This office building was approved by Council on January 16, 1985 as a two-phase development with two buildings of 118,500 square feet each. Phase II was never developed and expired along with the site plan.

The Applicant appeared before Council on August 19, 1998 to seek approval to proceed with this request at his own risk. The council granted the Applicant permission to come directly to Council after being considered by the Review Committee.

III Summary Prior Advisory Board Action

This request was presented to the Review Committee on September 8, 1998 and the Review Committee recommended approval subject to staff's comments.

IV Development Compliance with City Ordinance

The City Council shall grant conditional use approvals upon finding that a preponderance of the evidence of record supports such proposed use where:

(1) The applicant submits a binding and buildable site plan to allow the Council to evaluate

a. Ingress and egress

This is an existing development that does not require any changes to the ingress/egress.

b. Landscaping

The Landscape Architect advises that the landscaping on the site must be brought up to the original approved plan. Minor species substitution would be acceptable. This must be completed before this department will sign off on the Certificate of Occupancy.

c. Parking, buffering, architectural features

Parking for this use is based on one parking space for each 100 square feet of gross floor area; however, because the classes will be in the evening the Applicant advises there will be no conflict and ample parking spaces to accommodate the students. Saturday classes will not interfere because most of the tenants do not work on weekends.

And the proposed use is in compliance with the remaining criteria discussed below:

- (2) The proposed conditional use will be consistent with the general plan for the physical development of the district including any master land use plan or portion thereof adopted by the Council.**

The Applicant states that the proposed conditional use is consistent with the general plan for the school including the master land use plan adopted by the Council.

- (3) The proposed conditional use will be in harmony with**

(a) The general character of the neighborhood, considering population density,

(b) Design, scale and bulk of any proposed new structures, intensity and character of activity,

The Applicant states that the proposed use will be in harmony with the general character of the neighborhood, considering population, density, design, scale and bulk of the structure, intensity and character of activity, traffic and parking conditions, and number of similar uses.

(c) Traffic and parking conditions,

See above comments.

(d) And number of similar uses.

The Applicant is seeking a waiver from the market study as there are no other such facilities in the area. This is the same University that was previously approved for the Fashion Mall, but subsequently decided not to pursue that endeavor.

- (4) The Council must find from a preponderance of the evidence of record that for the public convenience and service a present need exists for the proposed conditional use for service to the population in the area considering the present availability of such uses to that area and such area's existing development**

The Applicant has not provided a preponderance of evidence to support his statement that a present need exists for the proposed use.

- (5) Further, the use at the proposed location must be found to not create a traffic hazard or traffic nuisance because of its location in relation to similar uses, necessity of turning movements in relation to its access to public roads or intersections or its location in relation to other buildings or proposed buildings on or near the site within the neighborhood and the traffic pattern from such buildings or by reason of its location near a vehicular or pedestrian entrance or crossing to a public or private, park, playground or hospital or other public use or place of public assembly.**

The Applicant is seeking a waiver from the requirement to provide a traffic study as he feels the use will not be a traffic hazard or nuisance because of its location.

- (6) The proposed conditional use will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding property, or the neighborhood and will cause no objectionable noise, vibration, fumes, odors, dust, glare of physical activity.**

The Applicant does not feel that the use will be detrimental to the use, peaceful enjoyment, economic value, or development of the surrounding property or neighborhood.

- (7) The proposed conditional use will not adversely affect the health, safety, security, morals, or general welfare of residents, visitors, or workers in the neighborhood.**

The Applicant states the use will not adversely affect the health, safety, security, morals, or general welfare of the residents, visitors, or workers in the neighborhood.

- (8) The proposed conditional use will not, in conjunction with existing development in the area and development permitted under existing zoning, overburden existing public services and facilities, including schools, police and fire protection, water sanitary sewer, public roads, storm drainage, and other public improvements and will not create a hazard by virtue of its site and location to residents, visitors, or workers in the neighborhood.**

The Applicant states that the use will not impact or overburden existing public services and facilities.

- (9) The proposed conditional use shall meet all other specific standards which may be set forth elsewhere in the Code of Ordinances for such particular use.**

The Applicant has agreed to comply with all Review Committee comments, to include paying additional capacity charges, if the permit shows an intensification of use. He further agrees to comply with all Fire Department requirements which include fire drills, as per NFPA 101, and could cause a problem in the rest of the building if drills are conducted during business hours.

Request is now ready for City Council consideration.”

Mr. Lunny indicated the backup material is somewhat scant on the evidence supplied which would establish meeting all City standards and he suggested the Applicant’s counsel might wish to proffer some evidence. He noted his principal concern was that the evidentiary requirements would be followed in order to avoid possible litigation in the future.

Jeffrey Siniawsky, Attorney for the Applicant, testified he was previously sworn in and understood the rules governing the hearing.

Mr. Siniawsky noted the same Applicants were previously approved for the same use at the Fashion Mall. He advised the Applicants never completed their transaction with the Fashion Mall, opted not to move into that facility and found another location within the City. They are now seeking approval for the conditional use at the Lakeside Office Parks.

Mr. Siniawsky introduced Danette Lanaris, of the Management Company for Lakeside Office Parks, and Jeff Falkinger, Architect.

Mr. Siniawsky indicated the backup does not contain a market or traffic study. He advised the best evidence with regard to the market study was the backup that was received with regard to the application last December. He noted staff’s comment when it was acted upon favorably at that time indicated that there was no similar type activity within a two-mile radius. He was not aware of any circumstances which might have lead to a change in that condition. This use is unique to the City of Plantation. It was his belief that the lack of a similar use within a two-mile radius or anywhere else within the City of Plantation is still evident. It was approved in December without the market study and with staff’s concurrence to that fact.

Mr. Siniawsky explained the University of Phoenix wishes to occupy 30,300 square feet of the fifth floor of the Lakeside Office Park for the purposes of operating an adult educational facility. The types of programs that will be offered are both Masters and Bachelor programs in Business Administration, Finance, and Marketing.

In response to a question by Councilman Jacobs, Mr. Siniawsky clarified these are Masters and Bachelors degree programs only. It is anticipated there will be up to 300 students at one time, although it is projected with absenteeism, there will be approximately 240 students. Classes will be held between 5:30 and 10:00 p.m. Monday through Thursday and from 9:00 a.m. to 6:00 p.m. on Saturdays. No classes will be held on Friday. Students will be utilizing parking spaces within the office park during off-peak hours when the rest of the office park is not active and this should not have an impact on traffic. There should be more than sufficient parking

available. There are approximately 575 parking spaces available and will be almost exclusively for the use of the students and the faculty of the University of Phoenix. An administrative staff will not be there during the day. Sixteen faculty members and employees would be on site during the same hours as the students. He noted 60,000 of the 90,000 square feet are currently vacant. There is no retail on site and no meals will be offered.

Mr. Falkinger, Architect for the Applicant, testified he was previously sworn in and understood the rules governing the hearing.

Mr. Falkinger advised the traffic consultant assured him that because of the off-peak hours, the additional traffic would be insignificant. Since these students are working people who would be driving home, it would be difficult to measure additional traffic generated by this use.

In response to a question by Councilwoman Armstrong, Mr. Siniawsky advised they have agreed to address the Landscape Architect's concerns.

Mr. Lunny noted this is an existing building so the physical appearance is not an issue. He questioned why the business thinks there is a market here.

In response to a question by Councilman Fadgen, Mr. Siniawsky advised it was his understanding the school will be offering educational classes and training for varying employers including American Express and Motorola.

Danette Lanaris testified she was previously sworn in and understood the rules governing the hearing.

Ms. Lanaris further clarified one of the biggest clients of the school is Motorola who will have a number of its employees as students at that facility. The University of Phoenix also has contracts with American Express. She was uncertain exactly how many of their employees would be attending the University; however, she advised the information could be obtained.

Councilman Hillier expressed concern with regard to the Fire Department comments relative to the fire drills and operational activities. He further questioned the parking requirements.

Mr. Siniawsky advised the Applicant was fully aware of the fire drill requirements and had no problem with them. He reiterated there would be adequate parking at the facility to accommodate the use.

Fire Chief Pudney testified he was previously sworn in and understood the rules governing the hearing.

Chief Pudney verified that the Applicant agreed to the comments and concerns.

In response to a question by Councilman Hillier, Ms. Lanaris advised the largest tenant in the building is TCI and indicated they have staggered hours beginning at 7:00 a.m. until 4:00 p.m. with an after-hours shift of approximately 30 – 40 employees who work until 11:00 p.m.

Mr. Siniawsky referenced the visioning session held last November and the report identifying one of the needs for City as education, particularly college level and post graduate level courses.

Mr. Lunny did not feel that was sufficient evidence to support a decision. He expressed concern that more questions should be asked on a staff level.

Councilman Edwards indicated he was aware of the Applicant previously being approved at the Fashion Mall. Even though the market study was not included in that approval, he felt sure testimony was provided at that time with regard to the need and discussion that the criteria has been met. He advised the minutes from the approval at the Fashion Mall could be included as part of the record.

Councilman Hillier expressed concern for not having sufficient evidence included in the backup.

Motion by Councilwoman Armstrong, seconded by Councilman Edwards, to approve the conditional use for the University of Phoenix to occupy the Lakeside Office Park with a waiver for the marketing study based on the comments placed in the record, with the understanding that the comments from the Department Heads have been addressed and incorporated into the project, and contingent upon the Building Department approving the letter of need. Motion carried on the following roll call vote:

Ayes: Jacobs, Armstrong, Edwards, Fadgen
Nays: Hillier

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7. CONSIDERATION OF COUNCIL MEMBERS' COMMENTS AND PUBLIC REQUESTS

DISCUSSION REGARDING AD HOC BUDGET ADVISORY COMMITTEE FOR FISCAL YEAR 1999-2000.

NOTE: This item was moved forward to Item 4-C on tonight's agenda.

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Mr. Lunny requested an Attorney Client Session pursuant to Section 286.011. (8) Florida Statutes, between the elected officials of the City of Plantation, City Attorney Donald J. Lunny, Jr., Assistant City Attorney Harris K. Solomon, and Assistant City Attorney Christopher M. Trapani, to discuss settlement negotiations and strategy relating to litigation expenditures for pending lawsuits against the City of Plantation filed by Pioneer Contracting, Inc., Case No. 94-3637 CACE(13), which is presently in the collection phase in the Circuit Court of the 17th Judicial Circuit and litigation between and among the City of Plantation, Pioneer, Palm Beach County School Board and the United States Fidelity & Guaranty Co. Case No. 98-8070-CIV-HURLEY, which is presently pending in the trial court.

This session will be held on Wednesday, October 14, 1998 and shall commence at, or as soon as possible, 6:45 p.m. and shall last an estimated forty-five (45) minutes. This meeting is a private meeting which will be held in the Mayor's Conference Room wherein the only persons authorized to attend pursuant to the above referenced statute are City elected officials, members of the City's Legal Department and a certified transcribing court reporter.

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Councilman Jacobs advised he would be in Orlando next Wednesday attending a seminar on how to finance redevelopment projects and would not be attending the City Council meeting.

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Councilman Hillier referenced the year 2000 celebrations and urged Council to begin making plans for the upcoming event.

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Councilman Hillier advised the swimming pool should be operational next Wednesday.

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Mayor Veltri indicated the cost for the voting board could begin at approximately \$5,000 and go higher. He will put a price list together.

Councilman Fadgen recommended continuing with the present system.

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8. CONSIDERATION OF BUSINESS BY THE BOARD OF DIRECTORS OF THE GATEWAY 7 DEVELOPMENT DISTRICT

NONE.

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Meeting adjourned at 11:05 p.m.

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Jerry Fadgen, President
City Council

ATTEST:

Sharlene Miers, City Clerk