

**MEETING OF THE CITY COUNCIL
PLANTATION, FLORIDA**

June 13, 2012

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

1. Roll Call by City Clerk:

Councilmember:	Ron Jacobs Robert A. Levy Lynn Stoner Peter S. Tingom Sharon Moody Uria
Mayor:	Diane Veltri Bendekovic
City Attorney:	Donald Lunny, Jr.

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2. The invocation was offered by Councilwoman Uria.

The Pledge of Allegiance followed.

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ITEMS SUBMITTED BY THE MAYOR

Julie Kasper, Chairwoman of the Educational Advisory Board, recognized the Valedictorians and the Salutatorians from American Heritage, Plantation High School and South Plantation High School.

- American Heritage with Principal Butts
Salutatorian: Jacob Munach, Valedictorian: *Michael-MingdeDeng
- Plantation High School
Salutatorian: *Idris Sardharwala, Valedictorian: Christian Infante
- South Plantation High School
Salutatorian: Hailee Greenfield, Valedictorian: Emily Gotti

*Unable to Attend
Congratulations were offered.

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Mayor Bendekovic introduced State Representative Franklin Sands.

Representative Sands presented the City Council with a legislative update.

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Mayor Bendekovic made the following announcements:

- FP&L Rate Increase Hearing will be at City Hall Council Chambers on June 27, 2012 at 9:00 a.m. and at The Broward County Main Library at 4:00 p.m.
- The Plantation Farmer's Market is at Volunteer Park every Saturday from 8:00 a.m. – 2:00 p.m.
- June is Broward Attraction and Museum Month (BAM Month). With a purchase of a Planation Historical Museum Membership you will receive free general admission through the month of June to 16 local museums, unique attractions and culture centers throughout Broward County and South Palm Beach. Individual memberships are \$15 a year and a family is \$25.
- Helen B. Hoffman Library Summer Reading Program starts June 11, 2012. *Dive Into Reading* Programs runs from June 18, 2012 through July 28, 2012.
- The Father's Day Brunch will be at the Plantation Preserve on June 17, 2012 from 9:00 a.m. to 2:00 p.m.
- The 4th of July Parade is approaching.
- Miami Dolphins Football Event will be at Plantation Central Park from June 15 – 17, 2012 from 8:00 a.m. to 8:00 p.m. This is a three day tournament for high school players.

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Lawrence Leeds, Planning, Zoning & Economic Development Director, introduced Jessica Josselyn and James Cromar.

Ms. Josselyn, Kittleson & Associates (sic) Representative on behalf of the Florida Department of Transportation (FDOT), presented the project pertaining to the Express Bus Service on Broward Boulevard that has already received approved funding. This project is the Broward Transit Study and is a low cost near term transit study project that will be implemented around 2014/2015. The study limits of the Broward Boulevard Transit Corridor Study start in Plantation at Pine Island Road and run about eight miles east into the City of Fort Lauderdale ending at US 1. The purpose and need of this project is to improve the transit conditions along the corridor making sure that a transit vehicle will get someone from Plantation to Fort Lauderdale in a good amount of time. With the project the pedestrian and bicycle facilities needed to be enhanced. Overall quality needed to be improved. The coordination efforts involved the three cities of Fort Lauderdale, Plantation and Lauderdale and included Broward County and the Department of Transportation. She spoke briefly about alternatives. For Phase One is the presentation to the Cities and Phase Two is moving into final design plans. The construction will begin soon after that and be implemented in 2014.

In response to Councilman Levy, Ms. Josselyn stated that through their analysis they determined that there are approximately five locations that have the highest ridership points that will be maintained on the Express Service. In Plantation the locations will be the West Regional Terminal, University Drive and State Road 7.

Mr. Cromar, Livability Planner with the Broward Metropolitan Planning Organization (MPO), presented an overview of the Plantation Midtown and Southwest Sunrise Livability Study. The study area boundaries were the Florida Turnpike just north of I-595 along the New River Canal, the Sawgrass Expressway and the line about

one half mile north of Sunrise Boulevard. This study covers portions of both Sunrise, Plantation and Lauderhill. The consolidated design idea for future mobility hubs at locations where there a lot of transit ridership and opportunities for redevelopment is to integrate the transit into the local community. The intersection of Broward Boulevard and University Drive is identified by the long range transportation plan as a "Gateway Hub" which is one of the major facilities. The "Anchor Hub" or mid-level hub is at Broward Boulevard and Pine Island Road. The Broward MPO has received \$1.5 million dollars from the federal government for a study of the University Drive Corridor all the way from Coral Springs to the Miami-Dade County line area. They are looking for an opportunity in the Midtown area to locate a hub there. In the study they identified where they can be investments bicycle improvements, bicycle lanes and multi-use paths. They also investigated some potential pedestrian improvements and other specific improvements.

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CONSENT AGENDA

As a Commissioner of the CRA, Mayor Bendekovic has a voting privilege on Item No. 15.

Item No. 7 was withdrawn from consent agenda.

Mr. Lunny read the Consent Agenda by title.

3. Permission for First Baptist Church of Plantation to hold a July 4th afternoon community concert and outreach even located on their front lawn at 150 NW 46 Avenue from 3:00 p.m. to 7:00 p.m.
4. Approve agreement with Dell Leasing in the amount of \$22,922 for needed computers.
5. Approve budgeted funds in the amount of \$55,300 to purchase the Accela yearly maintenance contract.
6. Request for approval to issue a work authorization to Hazen and Sawyer, P.C. in an amount not to exceed \$542,800 for design, permitting and bidding services of the diffused aeration project, instrumentation and laboratory modifications at the Regional Wastewater Treatment Plant. (Budgeted - Utilities)
8. Request for authorization to issue a work authorization to Hazen & Sawyer, P.C. for construction oversight services for the East Water Treatment Plant concentrate booster pump station project in an amount not to exceed \$29,100. (Budgeted – Utilities)
9. Request for authorization to retain Hansen Information Technologies, an Infor Company, for modifications and training services for the Hansen 8 Utility Billing Software in the amount of \$99,000. (Budgeted – Utilities)
10. Request for authorization to purchase office furnishing for the new Utilities Operations Center at the East Water Treatment Plant from Prison Rehabilitative Industries and Diversified Enterprises Inc. (PRIDE) in the amount of \$36,602.65. (Budgeted – Utilities)
11. Request for authorization for Change Order No. 1 (and final) with Edwards Electric Corp. in the amount of \$8,053 for hardware modifications and implementation assistance with the generator power command technology for the Regional Wastewater Treatment Plant stand-by generator. (Budgeted – Utilities)

Resolution No. 11507

12. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period May 17, 2012 through June 6, 2012 for the Plantation Gateway Development District.

Resolution No. 11508

13. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period May 17, 2012 through June 6, 2012 for the Plantation Midtown Development District.

Resolution No. 11509

14. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period May 17, 2012 through June 6, 2012.

Resolution No. 11510

15. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period May 17, 2012 through June 6, 2012 for the City of Plantation's Community Redevelopment Agency.

Motion by Councilwoman Uria, Seconded by Councilman Jacobs, to approve tonight's consent agenda as printed. Motion carried on the following roll call vote:

Ayes: Stoner, Uria, Jacobs, Levy, Tingom
Nays: None

NOTE: Mayor Bendekovic voted affirmatively on Item No. 15.

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ADMINISTRATIVE ITEMS

Mr. Lunny read the item by title.

16. ANNUAL REAPPOINTMENT/RATIFICATION OF BOARD AND COMMITTEE MEMBERS.

There were no changes to any appointments. All Board and Committee Members were reappointed.

Motion by Councilperson Stoner, Seconded by Councilwoman Uria, to approve Item No. 16. Motion carried on the following roll call vote:

Ayes: Stoner, Uria, Jacobs, Levy, Tingom
Nays: None

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LEGISLATIVE ITEMS – None.

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QUASI-JUDICIAL CONSENT AGENDA

Mr. Lunny read the item.

Resolution No. 11511

17. **RESOLUTION** APPROVING THAT CERTAIN RELEASE OF A PORTION OF THAT CERTAIN 15 FOOT WIDE UTILITY EASEMENT ATTACHED HERETO AS EXHIBIT "1"; PROVIDING FINDINGS; HAVING THE APPROPRIATE CITY OFFICERS EXECUTE SAME AND AUTHORIZING THE CITY ADMINISTRATION OR CITY ATTORNEY TO MAKE MINOR REVISIONS THERETO; AND PROVIDING AN EFFECTIVE DATE THEREFOR. (WALGREENS)

Motion by Councilwoman Uria, Seconded by Councilman Levy, to approve Resolution No. 11511. Motion carried on the following roll call vote:

Ayes: Stoner, Uria, Jacobs, Levy, Tingom
Nays: None

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QUASI-JUDICIAL ITEMS

Mr. Lunny read the item.

18. REQUEST TO DEFER SITE PLAN, ELEVATION AND LANDSCAPE PLAN APPROVAL FOR RENAISSANCE CHARTER SCHOOL LOCATED AT 6701 W. SUNRISE BLVD TO JUNE 27, 2012.

Motion by Councilman Jacobs, Seconded by Councilwoman Uria, to continue Item No. 18 approval to the June 27, 2012 City Council Meeting. Motion carried on the following roll call vote:

Ayes: Stoner, Uria, Jacobs, Levy, Tingom
Nays: None

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COUNCILMEMBERS' COMMENTS

Mayor Bendekovic wished all fathers a Happy Father's Day.

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PUBLIC REQUESTS OF THE COUNCIL CONCERNING MUNICIPAL AFFAIRS

Dennis Conklin, Resident, wanted to wish everyone a Happy Celebration of Juneteenth. He stated that June 12, 2012 was the 25th Anniversary of Ronald Reagan's Speech and renewed his request to rename NW 65th Avenue as Ronald Reagan Way. He briefly discussed the budget and police pension.

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Don Maines, Trustee of the West Broward Club, stated that the Club was able to buy a facility in Plantation. His organization has run into problems with codes that are preventing them from moving in. The problem is they are being told that there isn't enough parking. He presented a letter from the University Professional Plaza Unit Owners Association, Inc. They are paying for the facility and they need to move in. He asked Council what he can do to resolve the problem because he believed that there wasn't a parking issue.

Mayor Bendekovic stated that the issue is according to the City Code, the facility has changed from an office to an assembly which creates a change in parking. The permits are ready but the City cannot issue because of the parking, they need 60 spaces.

Mr. Leeds clarified that the West Broward Club applied for a business license back in October 2011 and they are currently occupying space in the rear portion of the Stiles Shopping Center. When they applied for a business license they submitted a use letter that basically described an office. There was no reference to assembly areas or meetings in the letter. The use was approved under the title of "charitable institution". Charitable Institutions are permitted throughout zoning districts throughout the City. It wasn't until the building permits were submitted on May 9, 2012 that the architect showed that 3,000 of the 5,000 square feet were going to be used for assembly rooms or meeting rooms. The requirement in the parking code is much higher for assembly areas than it is for office. There are 119 spaces on the property that include four buildings that have been sold off as condominium offices. Those 119 spaces based on about 1 to 200 however most of the uses in the office building are medical/dental offices which generally require more spaces. By inserting the assembly component for 3,000 square feet, the parking requirement is now 180 spaces. Mr. Maines has explained several times that he is not going to have a parking problem and there is plenty of parking. There is no choice in this matter because the Code needs to be enforced. If he made an exception based on what someone tells him he is doing something illegal and setting a precedent for the next person to come in and do the same thing. He recommended that Mr. Maines do the option of applying for a parking waiver and demonstrate to the Council that he has enough parking.

In response to Councilwoman Uria, Mr. Leeds stated that there is 6,000 square feet in the building and they are taking 5,000 square feet of that and making that into the West Broward Club, of that 5,000 square feet 3,000 of that will be assembly as per the architects plans. There are also three other 6,000 square foot buildings for a total of 24,000 square feet divided up to primarily medical/dental offices and for the entire property there are only 119 spaces.

Councilwoman Uria assumed that property is primarily busy during the day.

Mr. Leeds stated that this is a 34% parking waiver, if it was 10% he would have the authority to possibly grant the waiver himself. He believed that this needed to come to Council.

Mr. Lunny questioned about the interior of the building. If they left the offices and interior they way that they are then there would be no issue and it is because of the renovation that creates the problem.

Mr. Leeds answered yes that is correct. When the building was inspected in October it was cut up into little offices consistent with a medical or dental office. The Club wants to come in and knock down walls and build an assembly room.

Mr. Lunny clarified that it is the transformation to an assembly area and the uncertainty about how the rest of the spaces are allocated amongst users that causes Mr. Leeds to recommend the processing of a parking waiver.

Mr. Leeds stated that is the proper legal procedure.

Mr. Maines clarified that the building will be broken up into different meeting rooms. The meetings will be staggered at all different times and the building will never be a full facility, it just consists of different rooms designated for different meetings. Most of the meetings are at night the meetings that happen during the day only consist of 10-15 people at the most. He submitted a letter from the Association.

In response to Councilwoman Uria, Mr. Maines stated that the amount of people on a busy night could be around 40 people. The meetings can be staggered and spaced out so that people are not pulling out of the parking and pulling into the parking lot at the same time. The other tenants are looking forward to the Club moving in there. He stated that applying for the parking waiver is too long of a process and needs to get in to the building as soon as possible because he has to be out of the current place the Club meets.

In response to Councilperson Stoner, Mr. Leeds clarified that in October 2011 there was nothing said about an assembly or groups and the facility was basically described as an office complex, there was no indication. The Building Inspector then went in and it was a bunch of offices. Then in May the City received a plan that proposed to tear down the walls and put in assembly areas and there is no issue with the use, they are just enforcing the Code that pertains to the parking.

Mayor Bendekovic pointed out that there is a Resolution that if something is brought up in this meeting Council does not have to make a decision unless they have all of the backup material and there hasn't been any. There is a process that they can follow. She asked if there was a "hold harmless" in which they can proceed on their own at their own risk.

Mr. Leeds clarified that the whole process with that is that the applicant can come in, fill out a form, pay a \$500 fee and once the City Attorney has reviewed and approved it, it will then be scheduled to go on to the Council agenda. He preferred that the applicant just come in for the waiver and the waiver will take a month then the meeting of July 11, 2012 it can be seen.

In response to Mr. Lunny, Mr. Leeds explained that there are no notice requirements for a waiver unless on an Administrative level the City to elects to notify the adjoining property owner, there is no legal requirement. There would be no advisory board review and it would go straight to Council. There would have to be an application filed.

Mr. Lunny suggested that if Mr. Maines wanted to act on his permits he would have to pay the fee and file the hold harmless and release as to be signed by the owner and the tenant, he has to immediately file for the parking waiver and probably have to produce some sort of study or proof that the parking condition is as indicated. There also be some sort of notice to the residential area to let them know that this is being discussed.

Mr. Leeds explained that in terms of timing the applicant has to fill out the form, pay the fee and if it is hand delivered the same day to the City Attorney it needs to get back to his department within less than a week because the closing date for the June 27, 2012 City Council Meeting is June 20, 2012.

Mr. Lunny states that if the Council is willing to consider this waiver and willing to waive Advisory Board review, then it can be put on the agenda in the following two weeks. He recommended that there should be a notice to the other users of the lot because the parking is not allocated and a notice to the surrounding residential community. He also recommended that Mr. Maines provides the co-owners to this property with notice as well.

Councilwoman Uria asked what the occupancy rating would be for a 3,000 square foot of assembly space.

Mr. Leeds explained that the Fire Department assumes maximum occupancy for the entire area and Mr. Maines is stating that the number will never be reached.

Councilwoman Uria and Mr. Lunny suggested that the West Broward Club stops modification right now and they may open up.

Mr. Lunny clarified that it is the modification that a business does that creates a consequence for parking and life safety. If the applicant wishes to pull permits and open the building up to create an assembly area there will have to be a parking waiver and a process.

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Bob Knox, Resident, thought that it was very important for the City Council to think outside of the box when it comes to the Budget Workshop on June 14, 2012. Taxpayers cannot afford things any longer and they should consider the budget just like a personal home budget. On Wednesday, June 20, 2012 there will be a meeting on Agenda 21 at the Jim Ward Community Center.

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Mayor Bendekovic introduced Broward County Commissioner Ilene Lieberman.

Commissioner Lieberman presented a check in the amount of \$452,525.49 to Frank DeCelles, Public Works Director, as the Challengers Grant to pay for the renovations at Deicke Auditorium.

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Councilman Levy announced that there is a block party on June 16, 2012 at Country Club Estates from 11:00 a.m. – 3:00 p.m. and everyone is invited.

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SEALED COMPETITIVE SOLICITATIONS

- 19. REQUEST TO AWARD CONTRACT FOR SUPPLY OF ZINC ORTHOPHOSPHATE BASED ON THE SEALED PROPOSALS OPENED ON MAY 22, 2012.

Motion by Councilman Jacobs, Seconded by Councilwoman Uria, to approve Item No. 19 in favor of American Water Chemicals. Motion carried on the following roll call vote:

Ayes: Stoner, Uria, Jacobs, Levy, Tingom
Nays: None

Mr. Lunny stated that the Council has approved a one-year contract to **American Water Chemicals** based on a bid to purchase the chemicals at \$0.578 per lb.

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WORKSHOPS – None.

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Meeting adjourned at 9:15 p.m.

Peter S. Tingom, President
City Council

ATTEST:

Susan Slattery
City Clerk

RECORD ENTRY:

I HEREBY CERTIFY that the Original of the foregoing signed Minutes was received by the Office of the City Clerk and entered into the Public Record this _____ day of _____, 2012.

Susan Slattery, City Clerk