

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

January 23, 2013

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

1. Roll Call by City Clerk:

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

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2. The invocation was offered by Councilman Tingom.

The Pledge of Allegiance followed.

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ITEMS SUBMITTED BY THE MAYOR

Mayor Bendekovic indicated that this is an informational item as to what the Strategic Plan is and how we are going to go about it. It is going to be a blueprint for the next five years in the City of Plantation.

Mr. Shimun explained that he would be going over the Strategic Plan process that will be seen over the next several months. He will discuss Strategic Planning, its importance to the City, what the process for the plan is going to be, how it works as part of the budget process, and the upcoming meetings that can be expected.

Mr. Shimun made the following presentation:

- A Strategic Plan is a business model and a communication tool between staff, Council, and the public so we understand where we are going with the community. It incorporates cost benefit and cost in effect decision making; the budgetary process is tied to it, and it includes performance measurements so we can actually understand how well we are doing within the scope of the framework of it.
- We are going to use it patterned after the Governor's Sterling Award. Basically it is the model for our Strategic Plan; it is a holistic approach because we are going to look at everything we do and then we are going to tie it into the priority based budgeting initiative.

- Why do a Strategic Plan? We want to focus on the big picture and plan for the future. Often times Organizations run from one day to the next and they never look at how they are spending current dollars to achieve a future goal, especially if they do not have a future goal. It identifies the core services of the City so we are going to look literally at everything we do and then we are going to have Council prioritize essential functions and services, which will be connected to programs and services and tie them all into the budget. We will then hopefully move from a reactive state to a proactive state and we will also tie into what the community expects.

Ms. Caravella made the following presentation:

- Seven steps have already been done this year.
- A Strategic Planning Committee was established. The Committee is open to anyone who wishes to be on it.
- Step 1 was looking at the Mission Statement and Values.
- It was felt that the Mission Statement should not be changed as it reflects where the City wants to go and what we are currently doing.
- Values include quality customer service, responsible stewardship, commitment to stakeholders, and continuous improvement. These are things expected from employees to exhibit on a day to day to basis.
- Step 2 was the creation of priorities or goals. Those are based on the Mission Statement and Values.
- Goals should be specific; they should be measurable, achievable, realistic and timely.
- There are windows in the Governor's Sterling Award and they call goals strategic priorities.
- We came up with five strategic priorities or goals that reflect the Mission Statement; 1) delivering services that meet customer expectations; 2) fostering a dynamic work environment that encourages creative and innovative thinking and responsible and ethical behaviors; 3) encouraging sustainable and thoughtful development, social conscious, environmental stewardship and quality of life; 4) cultivating collaborative community relationships, intergovernmental public relations; and 5) protecting and preserving welfare, health and safety of the community.
- All of the departments participated in coming up with all of the programs and services that their respective department provides. The City provides more than 300 programs and services.
- The Strategic Planning Committee reviewed all of the programs and services and fine tuned it a little. They aligned all of the programs and services with the top five strategic priorities. Every program or service ties up to those larger goals.

Ms. Richards made the following presentation:

- Strategic Priority #1 is delivering services that meet customer expectations; communication; public education programs; juvenile divisions with the Police Department; parks and facilities that must be up to the quality that meets our customer expectation; family review and inspection services; and review plans. Records retention is a large program that a lot of our departments are aware of. Network and consistent security; if we cannot maintain our computers and protect them from viruses or hacking they will not work properly and we would not be able to communicate and provide services for our residents.
- Strategic Priority #2 has to do with the work force. Our employee performance review process is very important as is specialized training. Another major factor of the environment is money and our procurement policy. We have to make sure that we have our checks and balances in line that we are prepared for our yearly audits. Contract and grant management comes in either long or short term projects. In checking, the City has over 450 contracts and those contracts need to be overseen to be sure they are being handled properly within budget and time restrictions.

- Strategic Priority #3 has to do with development, environmental stewardship and quality of life, and intergovernmental relationships. Special events have been discussed with Parks and Recreation; the economic impact of the soccer events, the Orange Bowl Tennis event, and various other activities that help the quality of life and keep the economic vitality of this City going. Advisory Board and Committees are fortunate to have so many volunteers who volunteer their expertise so that we sustain the development in the City in a thoughtful and environmentally sensitive way.
- Strategic Priority #4 is cultivating collaborative community relationships. We use the Health Fair, work with the Credit Union and Triple A. Our youth and adult programs are in close relationship with our PAL program. With regard to the tree preservation programs, we work with the Shade Brigade and volunteers within the community. Special events include the Women's Club supporting the Annual Easter Egg Hunt and volunteers. Without volunteers we would not have the Santa Clause visit or the Holiday Exhibit at the Museum. Our gross association is with Midtown Advisory Board, the Gateway and also the Plantation Chamber of Commerce. As far as grants, we work very close with a number of governments to obtain funding and then give that money and have relationships throughout the community. Individuals are able to get SHIP, CDBG, Home and NSP money. Our community is also affected with the CDBG funds. Recently, we were able to give safety grants to our business community.
- Strategic Priority #5 is preserving welfare, health and public safety. Both the Fire and the Police Department have child seat programs that keep our children safe. Our water quality is of major importance to the health and welfare of our citizens. We have some juvenile diversionary programs that help the individual child and family and it also helps to keep our community safer. We are always trying to do the best we can for the entire community including the work force in the City of Plantation.

Ms. Kent made the following presentation:

- All of the Department Directors completed the SWOC analysis.
- Strengths include Communication, dedicated, skilled staff, customer service and teamwork.
- The City has the Plantation Quarterly, the City website, phone, walk-in customers, Plantation Pineapple Press and the Plantation Now.
- We have received good reviews from park patrons about our filed conditions, customer service responses from the Utilities Department and the large membership that supports the Veltri Tennis Center.
- Municipal staff is dedicated, committed and professional with a comprehension about the various tasks associated with the job responsibility and the ability to multi task.
- Staff is dedicated and they have a cooperative work mentality in order to get the job done.
- Weaknesses include Communication, equipment, lack of overall City vision, office space, technology and staffing levels.
- Opportunities include technology for increased efficiency/production, new revenue sources/grant opportunities, staff development and privatization/outsourcing/partnerships.
- Challenges include diminished revenues/increased costs, interdepartmental communication/coordination, unfunded mandates, Council priorities, written policies and procedures, public perception, employee retention and security.

Ms. Caravella advised that all of the above was done in 2012.

Dept. SWOC results – Strengths; Weaknesses, Opportunities and Challenges:

The SWOC process was amazing. They went to every department and met with every employee throughout the City. They were able to put solutions into place immediately for some of the things heard in those meetings.

They plan to have something every year where every employee in the City gets to participate in this process. In 2012 it was the SWOC process.

Current Strategic Plan Initiative Process:

Moving forward in 2013 we are going to do a confidential survey. The date has not yet been determined; however, they will ask about work environment, management style, compensation and benefits, employee relations, things about their job, if they know better ways to do their job, if there are ways to achieve greater efficiency, improve processes within the department, etc. This will be coordinated with Human Resources and possibly with the Employee Relations Committee. The data will be used to identify areas where further improvements can be made. Improvements are important because you save steps in process, which saves manpower.

Current Strategic Plan Initiative Process:

In addition to internal stakeholders, we also want to involve external stakeholders; they want the citizens to participate in this process. They have a lot of ideas of what they would like to do; possibly a citizen and business type of survey asking questions about services, expectations, taxes, etc.

Current Strategic Plan Initiative Process:

Perhaps a web page could be set up so citizens can post comments on the Strategic Planning Process and have them somehow involved in the Priority Based Budgeting initiatives that will be discussed in February. The last step for this year is to incorporate the Strategic Plan with the Budget process. The method used is Priority Based Budgeting. The Department Directors did a ranking of each of their programs with scores from 0-25 for each program. They are hoping to have new programs and services analyzed and ranked by staff for alignment with the Strategic Priorities.

The Strategic Plan and the Budget:

By incorporating those two processes, we can look at cost and benefits. Strategic Planning is ongoing. We know the budget is annually so the two coincide each year during that budget process. It keeps the focus on the long range. It takes three years to implement the Strategic Plan; we can either do a three or a five-year plan as stated by the Mayor. The third year in implementing would be each department coming up with an Operating Business Plan for their department. Templates will be provided as well as training if necessary. Written procedures for the departments will be incorporated. Performance Management, which are sometimes called Key Performance Indicators; you have a goal and did you achieve that goal; how do you measure yourself; how do you know you're doing your job and can you do it better? The Florida Benchmark is a way to put data up against other cities and a lot of Cities in South Florida participate in that. There may be some citywide training involved, which would help the Directors understand how to do Performance Measurement and Management in their department. The Strategic Plan is a living document and at the end of 2014 the plan will be in place. The plan will be revisited every three years but each year there will be meetings with the Chief Administrative Officer and the Mayor to see that each department is doing what they said they were going to do as far as their goals that they set out to do that year. Hopefully in 2014 we can submit the actual plan itself, the document for the Governor Sterling Award.

Ms. Caravella continued by stating that there are more than 300 programs and services within the City that were found in the inventory. Chuck Flynn, in Utilities, has seven programs.

Utilities Department:

Mr. Flynn explained that the programs the Utilities Department currently has are core services they provide. They are water treatment and supply; waste water treatment and disposal; plant maintenance including water and waste water plants; water distribution; waste water collection and maintenance; utility billing services; and water quality assurance. All of these programs were evaluated by their Committee and the actual specific priorities were designated as 1, 3 and 5. The first priority was customer service, which includes billing services and water quality dealing with the public. The second is the environmental stewardship, including both water supply and waste water treatment. The third priority is the health, welfare and safety of our customers. We have two winning water treatment facilities with the highest quality water available to our customers 24/7, which always meet Federal, State and Local parameters, thereby ensuring our customers and residents' health, safety and welfare.

Mr. Shimun continued as follows:

The Future of the City of Plantation:

- Focus on core services
- Awareness of customer needs and expectations
- Operating within our means
- A balance budget
- An efficient and effective organization
- A participatory and collaborative government partner in the community

Upcoming Meetings:

- Priority Based Budgeting – what is it and how does it work? (February 27, 2013 at 6:30 p.m.)
- Review of Programs by department (April)
- Council Ranking of department programs (May)
- Budget Workshops (June/July)

The Strategic Planning Committee:

- Gary Shimun
- Kristi Caravella
- Priscilla Richards
- Sharon Kent
- Robert Castro
- Chuck Flynn
- Chief Laney Stearns
- Deputy Chief Erik Funderburk
- Kristy Richardson
- Larry Leeds
- Susan Slattery

Councilman Tingom mentioned comparatives with surrounding cities and questioned how many parameters are looked at. He also questioned how they will compare with a like comparison and not comparing unlike objects.

Mr. Shimun advised that there are databases from other communities that will list the things that we look at to see whether or not we are effective and efficient in doing them. It will vary depending on what things are being looked at in particular; however, we will be able to see if what we are doing matches other communities in the State and in some cases, nationally.

Councilperson Stoner questioned how many work hours has already been devoted to this? Not just by the core group here but you have indicated that you have probably talked to every employee. She questioned how the hours would transfer into dollars.

Mr. Shimun stated that it has been hundreds of hours. You would have to take the comparison of the cost benefit analysis. The dollar amount would be determined directly with the wage.

Councilperson Stoner commented that in addition to the hundreds of hours, now you are looking at doing mailings, additional employee hours, material, and training. Some of the feedback as to whether an idea can be done within a department or outside of a department can be somewhat self serving. No one wants to talk themselves out of a job because something else might be more efficient. When our budget is so tight and you have devoted hundreds of hours just for these eight pages, we are going to have hundreds more hours devoted to this; why are we not pulling in an official company that does efficient studies that tells us how somebody should be working their department. Why would we take our own resources that do not have that skill level and instead spend it on someone that does have that skill level?

Mr. Shimun indicated that he and Ms. Caravella have done dozens of Strategic Plans in the past, as well as other members. The reason they have asked everyone internally to do this is because in his experience with bringing in an outside firm there is no buy in by the rest of the employees. They give you a packaged plan and charge \$50,000-\$80,000. He does not believe that you get the same level if you let someone else do it and you certainly do not get the same level of buy in if you do not let the employees be a part.

Councilperson Stoner mentioned that one of the comments was that employee moral is low and employees are feeling overworked yet here we are spending hundreds of hours taking them away from those tasks that are supposedly overburdening them in their jobs. You are playing both sides. We absolutely want the benefits, need the benefits and need open ideas. She is wondering whether this is the most efficient and cost effective way to accomplish that task.

Mr. Shimun believes it is the most efficient and cost effective way to accomplish the task. Moral is much better approached by letting people be part of the process rather than someone from the outside coming in and telling you what you need to do and ignoring the employees or if they do a really good job they are going to engage the employees to the same level we are anyway. There will be the same level of effort.

Councilperson Stoner questioned why none of these things were implemented along the way in the last year.

Mr. Shimun stated it is a three-year process and it takes time. So far they have made sure that there is adequate liquid/fluid in the field for hydration and they increased the shoe vouchers. He thinks that Councilperson Stoner is missing what is going to happen with Council as a whole when they get to go through every department in the City and understand what they do. Many Council members are very knowledgeable about local government but probably do not know everything we do.

Councilperson Stoner advised that proper hydration in the field is an OSHA requirement and it should not have been a surprise to anyone. She and one of the Directors have had discussion about the shoe issue. She has been in the construction industry for 30 years and has never bought an employee a pair of boots; that is part of what they bring to the table for themselves. Council is listed as a Challenge under SWOC. She questioned how they see that.

Mr. Shimun indicated that the challenge to Council is having to adhere to County regulations that are in effect as well as State requirements.

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Mayor Bendekovic presented service awards to the following employees:

Donna Jones-Wehbe	Police	25 years
Juliette Pedlar	Utilities	20 years
*Kevin Swan	Code Enforcement	20 years
Deven Anderson	Fire/Rescue	15 years
*Todd Simpkin	Fire/Rescue	15 years
Officer Brian Radziwon	Police	10 years
Regis Wright	Public Works	10 years
Linda Ellis	Finance	5 years
Laurence Leeds	Planning	5 years
*Samuel Metott	Parks & Recreation	5 years
*Marc Mize	Fire/Rescue	5 years
*Earl Rabuya	Information Tech	5 years

*Unable to Attend

Congratulations were offered.

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Mr. Romano explained that about two years ago the City was approached by the USTA and we went into a contract with them to host the Junior Orange Bowl Tennis Tournament, which was held for over 45 years in Miami.

Mayor Bendekovic read a Proclamation designating January 23, 2013 as *The United States Tennis Association Orange Bowl International Tennis Championship Day* in the City of Plantation.

Lou Brewer (sic), Director of Junior Competition for the USTA Player Development, accepted the proclamation.

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Jim Romano, Parks and Recreation Director, made the following announcements:

- Sloan Stevens defeated Sarina Williams in the Quarter Finals of the Australian Open. Sloan Stevens was a student who played at the Frank Veltri Tennis Center and worked under the guidance of Nick Saviano. She is moving to the Semi Finals and we wish her the best.
- This weekend there is a Senior Invitational Swim Meet at the Aquatic Complex.
- This Saturday, January 26, 2013, from 10:00 a.m. to 3:00 p.m. is the Annual Doggie Palooza program at Happy Tails Dog Park.

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Mayor Bendekovic made the following announcements:

- Plantation celebrates its 60th year and counting from 1953 to 2013. This is the first of our official 60th Anniversary Celebration. February 7, 2013 is a kick-off with an exciting new exhibit at the Plantation Historic Museum. This will also be the first opportunity to purchase the City's 60th Anniversary Publication; "The Images of America, Plantation". After February 7, 2013 the books will be available at various City facilities, Barnes and Noble Bookstores and other venues for \$21.99.
- February 11, 2013 is the last day to register to vote for the upcoming Municipal Elections, March 12, 2013.
- The Plantation Farmer's Market is every Saturday at Volunteer Park between 8:00 a.m. and 2:00 p.m.

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CONSENT AGENDA

As a Commissioner of the CRA, Mayor Bendekovic has a voting privilege on Item No. 10.

Item No.'s 6 and 10a were pulled from the Consent Agenda to discuss separately.

Mr. Lunny read the Consent Agenda by title.

3. Request for approval for a competitive procurement exemption and to authorize the Utilities Department Purchasing Manager to negotiate with Fort Bend Services, Inc. for pricing and terms for the purchase of Mannich type polymer for the Regional Wastewater Treatment Plant. (Budgeted – Utilities)

Resolution No. 11634

4. **RESOLUTION** appointing the fifth member to the City of Plantation's Volunteer Firefighters' Retirement Board. (Guerra)

Resolution No. 11635

5. **RESOLUTION** approving that certain draft memorandum of understanding and general release governing direct repayments of insured property loss settlement proceeds stemming from State of Florida/Federal Emergency Management Agency Audits; providing a savings clause; and providing an effective date therefor.

Resolution No. 11636

7. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period January 3 – January 16, 2013 for the Plantation Gateway Development District.

Resolution No. 11637

8. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period January 3 – January 16, 2013 for the Plantation Midtown Development District.

Resolution No. 11638

9. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period January 3 – January 16, 2013.

Resolution No. 11639

10. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period January 3 – January 16, 2013 for the City of Plantation's Community Redevelopment Agency.

Motion by Councilperson Stoner, seconded by Councilman Levy, to approve tonight's Consent Agenda as printed. Motion carried on the following roll call vote:

Ayes: Jacobs, Levy, Moody, Stoner, Tingom

Nays: None

NOTE: Mayor Bendekovic voted affirmatively on Item No. 10.

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Mr. Lunny read Item No. 6.

Resolution No.11640

6. **RESOLUTION** of the City of Plantation pertaining to the subject of Public Property; approving that certain second amendment to business lease agreement between the City of Plantation and Revelation Realty, Inc.; providing a savings clause; and providing an effective date therefor.

Councilperson Stoner mentioned that previously the new Florida Representative, Katie Edwards, was going to lease some property from City Hall. She understands why we would like to have the CRA office in the CRA District but commented that the lease amount could be saved if that office moved into City Hall.

Mr. Lunny advised that could be done. The Administration and Planning Department did a review of that subject and Mr. Leeds' memo recommends for various reasons that the office remain at its current location.

Mayor Bendekovic stated that they were looking to move the CRA office over to the Planning and Zoning Department; however, after learning how many walk-ins they receive in that area and the accessibility, it was determined that we need to be on site and have a presence on that corridor. That is the reason the lease was only done for one year because we are going to look at it again.

Mr. Leeds indicated that the business people in the corridor really like having the office there. They like the accessibility and the ability to call Carlos Gonzalez, Redevelopment Coordinator, as he can meet with them almost immediately. It is very important to the business community in that location.

Mayor Bendekovic noted that the cost is about \$1,300 per month.

Motion by Councilperson Stoner, seconded by Councilman Levy, to approve Resolution No. 11640. Motion carried on the following roll call vote:

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

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Mr. Lunny read Item No. 10a.

10a. Resolution of the City of Plantation, Florida, urging the Florida Legislature to repeal certain sections of Florida Statutes that prevent Local Governments from exercising their Home Rule Authority to regulate and/or prohibit firearms in public parks and other Local Government facilities and property.

A memorandum dated January 22, 2013, to Members of City Council, from Mayor Diane Veltri Bendekovic, follows:

TITLE:

A Resolution of the City of Plantation, Florida urging the Florida Legislature to repeal certain sections of the Florida Statutes that prevent local governments from exercising their Home Rule Authority to regulate and/or prohibit Firearms in Public Parks and other local government facilities and property.

SUMMARY EXPLANATION AND BACKGROUND:

In light of recent mass shootings, and the current preemption of local government authority to regulate and/or prohibit firearms in public parks and other local government owned facilities and property, the City urges the Florida Legislature to repeal Section 790.33, Florida Statutes, only to the extent necessary to permit local governments to exercise their Home Rule Authority to regulate and/or prohibit firearms in public parks and local government facilities and property.

REQUESTED ACTION:

Approval.

EXHIBITS:

See attached Resolution.

Mayor Bendekovic explained that the City of Weston has requested that Municipalities in Broward County participate in getting this repealed so that we could have Home Rule. She was not going to take it upon herself to decide whether Council wanted to support it or not. It is up to the Council to either move this forward or it stays.

There was no motion.

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ADMINISTRATIVE ITEMS

Mr. Lunny read Item No. 11.

Resolution No. 11641

11. **RESOLUTION OF THE CITY OF PLANTATION RELATING TO ENVIRONMENTAL CONTROL; APPROVING AN INTERLOCAL AGREEMENT WITH BROWARD COUNTY AND OTHER CONTRACT COMMUNITIES FOR SOLID WASTE DISPOSAL SUPPORT SERVICES; SELECTING FROM AMONG BROWARD COUNTY'S AUTHORIZED CONTRACTORS WHICH WILL PROVIDE SERVICE TO THE CITY; AUTHORIZING THE MAYOR OR CHIEF ADMINISTRATIVE OFFICER TO FINALIZE THE INTERLOCAL AGREEMENT, SIGN ALL AGREEMENTS AND DOCUMENTS, AND TAKE ALL ACTIONS TO IMPLEMENT ALL ACTIONS AUTHORIZED BY THIS RESOLUTION; MAKING OTHER IMPLEMENTING DECISIONS WITH RESPECT THERETO; WAIVING COMPETITIVE PROCUREMENT FOR THE SERVICES COVERED BY THE INTERLOCAL AGREEMENT; PROVIDING FINDINGS; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFOR.**

An updated report dated January 23, 2013, to Mayor and Members of City Council, from Gary Shimun, Chief Administrative Officer, Priscilla Richards, Strategic Operations Administrator, and Edward Consaul, Public Works Director, follows:

SUBJECT: Interlocal Agreement for Optional Services

REQUEST: Approval to continue two of the three services.

HISTORY: As the elected officials may be aware, Broward County has for many years taken a lead role in facilitating the integrated waste system that handles solid waste disposal including the following three (3) programs:

- Household hazardous waste and electronics recycling
- Bulk trash and yard waste drop-off program
- Keep Broward Beautiful – educational outreach and promotional activities.

On December 12, 2012, City Council agreed to continue to provide Household Hazardous Waste and Electronics Recycling and Bulk Trash and Yard Waste Drop-Off for Plantation residents through Broward County.

UPDATE:

Since that date:

1. The County extended the date for a decision from December 31, 2012 until February 28, 2013.
2. Sun-Bergeron offered to provide Household Hazardous Waste and Electronics Recycling and Bulk Trash and Yard Waste Drop-Off for Plantation for \$24,120.50 per year for a savings of \$195,179.50 per year over the County costs.
3. Wheelabrator offered to provide Household Hazardous Waste and Electronics Recycling and Bulk Trash and Yard Waste Drop-Off for Plantation for \$50,000 per year for a savings of \$169,300 per year over the County's costs.

RECONSIDERATION:

- A. Continue to provide drop off programs for (1) Household Hazardous Waste and Electronics Recycling and (2) Bulk Trash and Yard Waste.
- B. Direct staff to negotiate a contract with Wheelabrator to provide a Household Hazardous Waste and Electronics Recycling and Bulk Trash and Yard Waste Drop-Off Program according to the Scope of Services outlined in their letter dated January 16, 2013.

A report dated January 23, 2013, to Mayor and Members of City Council, from Gary Shimun, Chief Administrative Officer, Priscilla Richards, Strategic Operations Administrator and Edward Consaul, Public Works Director, follows:

SUBJECT:

Interlocal Agreement for Solid Waste Disposal Support Services

REQUEST:

Approval to approve Wheelabrator as the City's Contractor

HISTORY:

Broward County approved separate agreement with Wheelabrator and Sun-Bergeron on August 28, 2012 to provide solid waste disposal support services. The City of Miramar solicited competitive bids for solid waste disposal support services and selected Sun-Bergeron as the contractor.

The City of Plantation has five (5) options for solid waste support services. There are two (2) for Sun-Bergeron and three (3) options for Wheelabrator. Staff, Wheelabrator and Sun-Bergeron presented information to Council at the January 9, 2013 Council meeting. Council approved the highest ranked firm, Wheelabrator, Option Two for solid waste disposal support services, without Centralized Billing or Flow Control.

UPDATES:

1. Sun-Bergeron offered to provide Household Hazardous Waste and electronics Recycling and a Bulk Trash and Yard Waste Drop-Off Program for a cost of \$24,120.50 per year – a savings of \$195,179.50 per year over the County's costs.
2. Wheelabrator offered to provide Household Hazardous Waste and Electronics Recycling and a Bulk Trash and Yard Waste Drop-Off Program for a cost of \$50,000 per year – a savings of \$169,300 per year over the County's costs.

3. Staff obtained additional information from Broward County and recalculated the five-year energy revenue sharing amount that was estimated at \$904,526.25 in the January 9th presentation to \$428,544.44 – a reduction of \$475,981.81.

CONSIDERATION:

Based on the revised rankings, Council would need to approve the Resolution promulgating the signing of the ILA with Broward County for Wheelabrator to provide solid waste disposal support services without Centralized Billing or Flow Control.

Mr. Shimun briefly went through the presentation and highlighted things that have changed since the last discussion:

Solid Waste Issues:

- Selection of Recycling Facility - An update was received on the recycling facility and they were told by one of the parties that they believed they will have it up and ready in the allotted amount of time for the County. That should be a go at this point.
- Optional disposal services – The City agreed to sign the ILA with Broward County for optional services for Hazardous Household Waste, Electronics, Yard Debris and Bulk items.
- Section of Disposal Site – Updates will come along as we move forward in the presentation. We also added the selection of Disposal Site for Construction and Demolition Debris and Bulk and Yard Waste. That Workshop will be in February 2013.

Update on the new Recycling Facility:

- Broward County is going to meet with RE Community during the week of January 21, 2013 and we should have an answer shortly as to when and where it is going to be.

In response to Councilman Tingom, Elliott Auerhan (sic) with Broward County Solid Waste Recycling, indicated that they met today and the County Administrator is going to have to make a recommendation to their Board by February 1, 2013. The news is imminent.

Solid Waste Disposal Services

Sun-Bergeron – Option #1

- Sun-Bergeron to provide Household Hazardous Waste and Electronics Recycling and Bulk Trash and Yard Waste Drop off Programs at a cost of \$24,120.50 per year vs. County cost at \$219,300.

In response to Councilman Levy, Mr. Shimun explained that the way it is presented, Sun-Bergeron offers these programs at that price if you also accept them as the place where you send your garbage. They are not unhinged from one another; you have to accept both in order to get that price. It is correct that it could be a savings of \$200,000 over what the County would charge.

We have seen Sun-Bergeron – Option #2 – Piggyback on the Miramar Contract.

Wheelabrator – Option #1

- A while ago we requested that they give us a price on the same options that we discussed with Sun-Bergeron for the \$24,120.50 per year. Wheelabrator has said that if we choose them as the site for Household Waste Materials that they will provide Household Hazardous Water and Electronics Recycling and Bulk Trash and Yard Waste Drop-off Programs for \$50,000 per year vs. the County cost of \$219,300.

Councilman Levy questioned whether staff reviewed both to see that they are pretty much equal with the number of drop off stations and convenience to the community.

Mr. Shimun indicated that we tried to get them as close as possible and in staff's opinion, they are.

Wheelabrator – Option #2

- They looked at the 25% above \$25 per megawatt hour. The price in this option was \$43 per ton plus an option to share the revenue.
- Wheelabrator is going to provide those Household Hazardous Waste and Electronics Services and Bulk Trash and Yard Waste Drop-Off Programs.

5-Year Energy Revenue Sharing Calculation

- Originally the price given was \$40 per ton. It was felt that the figure given by the County was reasonable; however, since it was brought before us to look at closer we did a three-year averaging; 2009 through 2011. The average was \$32.10 per ton rather than \$40 per ton. When averaging, we came to the conclusion that it would only net about \$85,000 to \$86,000 per year or a total of \$429,000 as opposed to the \$904,000 that it was before.

Councilman Levy commented that it is important in reviewing the actual figures and coming up with a better conclusion that the \$904,000 has been reduced by more than half.

Mr. Shimun stated that if you are speculating on future prices, the \$40 was reasonable but this reflects actual information we have.

To give the rankings now, based on the additional information presented, monetarily it looks like Wheelabrator Option #2 becomes ranked #1. There is debris costs of \$5.185 million per year taking out the revenue sharing as well at \$429,000; adding in the loyalty fee of \$500,300; optional services-the \$50,000 times the five years of the contract gives \$250,000; giving a total of \$4,506,302. That is if a decision is made by January 31, 2013 in order to get the loyalty option.

Wheelabrator Option #2 is the same price per ton; same revenue sharing; the loyalty share goes down to \$250,000; the optional services are \$250,000 for a total of \$4,756,000 if this is done before the end of June 2013.

Wheelabrator Option #3 is ranked third. There is a little lower break per ton on the actual disposal cost; it goes from \$43 to \$42; you get the loyalty program but no revenue sharing and the optional services are \$250,000 for a total of \$4,815,000 if a decision is made before the end of this month to capture the \$500,000.

Wheelabrator Option #1 is ranked fourth. The higher rate for the disposal cost brings that cost up to \$5.77 million over the five-year period. Revenue sharing, which is included, is about \$301,000 and you get the loyalty fee if done before January 31, 2013 and the optional services are \$250,000 for a total of \$5,026,000.

Wheelabrator Option #3 is the one that is due by June. The only different in that category is that you only get \$250,000 rather than \$500,000.

Sun-Bergeron Option #2 is ranked at fifth. You get the tonnage; a revenue sharing of \$482,000; optional services for \$24,000 which comes to \$120,602 for five years for a total cost to the City over the five-year period of \$5,095,000.

Wheelabrator Option #1 is ranked seventh and Sun-Bergeron Option #1 is ranked eighth.

In response to Councilman Levy, Mr. Shimun advised that the only real different figures are the costs for the optional services for Wheelabrator. They have actually given us a set cost; we are taking out the County's cost, which was rather high, and we substituted theirs and the revenue sharing has gone down and that is the difference. The energy portion went down.

Councilman Levy commented that Sunrise had this discussion yesterday and they came up with a plan to look at it again. They had a lot of discussion with Wheelabrator and voted to give Wheelabrator partial but to also look at Sun-Bergeron to do the other section. He has requested that someone from Wheelabrator and Sun-Bergeron to provide a report as to what happened. He thinks before a decision is made we should hear from both entities. That is a very important towards our decision because we do look at Sunrise as a sister community.

Councilman Tingom stated that his intent was to have staff show the changes and allot time to each side to present.

Mayor Bendekovic indicated that we met with Sun-Bergeron yesterday and questioned if Councilman Levy was talking about the C and D. We are doing one piece at a time because it can get very confusing and that is the reason you only got the Solid Waste. It is understood that Coral Springs has also divided it up and some has gone to Wheelabrator. Council will get the C and D at a later date.

Councilman Levy indicated that in his opinion the deadline is artificial.

Mayor Bendekovic commented that the deadline was very real to her when they told her that after January 31, 2013 we would not be getting \$500,000.

In response to Councilman Levy, Mayor Bendekovic stated that we did request an extension and they said "No".

Councilman Levy stated that he is not questioning Wheelabrator or their parent company whatsoever, but he does not particularly like the tactics being used. If they had said they would give us \$50,000 if we made a decision by June 31, 2013 you would immediately question the ethics and go to the Ethics Commission. We are being offered \$500,000 to make the decision. What is the difference? His concern is not the company or the service, he thinks both are excellent companies and he loves the fact that they are competitive. He reiterated that he does question the tactics involved and is not sure about that. He does not think that we should rush to judgment just because we are being offered a lump sum.

Mayor Bendekovic indicated that she is bringing something to Council and they will make the judgment call on it. She was not going to make the judgment call because she is not going to think that \$500,000 is not something to be frowned upon. Whether you challenged whatever method they did, that is between you and Wheelabrator, but she felt as the Administrator of this City that she needed to bring this to Council.

Councilman Levy mentioned that it is also the reputation of this community as to whether we can be bought or not in that way. There is another community that has questioned it to the point where they have asked for an opinion from the various Inspector General and Attorney General throughout the State. He wonders how that will affect us as we go along on this. He is concerned that we are setting a precedent and opening a door that we may never shut again and people will know that we can be bought.

Councilperson Stoner stated that it was her understanding when this question of the date was posed two weeks ago that one of the reasons was to basically reserve our place in line so that they could plan. They have to obviously plan their business and what they can accept or not accept based on the contract. If we sign by January 31, 2013 the City has reserved its place in line. She never got the impression that someone was trying to buy us.

Mr. Lunny indicated that in recognizing competition, the County agreements for Municipal Solid Waste to agreements they signed had a requirement that if either contractor offered better terms to any City that they would be required to offer those terms to every City and the County or there would be a penalty. When Wheelabrator formulated a proposal to come up with a loyalty program and offered it to one City before it offered it to Plantation, it had to both clear that with the County and then offer it to all. That was his perspective. He understands Councilman Levy's perspective in terms of the time table and the complaints. The entire Solid Waste Authority that we have in this County is concluding in the summer and all time tables we have been discussing are ultimately triggered by that one. He views both Wheelabrator's loyalty proposal as well as the contractor's comments on their proposal to be part of the process, particularly with Wheelabrator. They had to offer it to us because they offered it elsewhere.

In response to Councilman Levy, Mr. Lunny reiterated that if they come out with a lower rate per ton in another City then we automatically get that lower rate.

Attorney Bill Laystrom was present on behalf of Wheelabrator.

Mr. Laystrom advised that they have visited about ten Cities over the course of the last three weeks. The issue in Sunrise as is with Plantation is that you are making a motion to move forward with Wheelabrator but you may not have the paperwork done by January 31, 2013. The Mayor in Sunrise asked if they could go into February if they did not get all of the paperwork done by January 31, 2013. They were told that all they needed to do is select, as they are trying to reserve all of their space. This program was created three years ago when it was part of the initial offering from the County. This was put out in November so the Cities would have time to consider it and look at all of the different options, which is what staff has done. Staff has looked hard at the County and Miramar proposals. Wheelabrator is actually ahead whether or not you pick the full bonus or not; they are half a million dollars ahead. There are two proposals from Wheelabrator; \$42 per ton if you want to take straight tonnage; if you want to take the electrical option it is \$43 per ton and you get to participate. We have now included our program for Household Hazardous Waste if that is what you choose. Five of our options are all the best options for Plantation because they are cheaper. They are giving the same \$2, the only difference is that Sun-Bergeron is paying over five years but it is still a \$2 rebate. As indicated to the City of Sunrise, as long as they select Wheelabrator they understand that may not mean the paperwork will be in exactly on time. It is a contract; it is a County Form that the City Manager's negotiated and created, but you have to go through that.

Staff will assign the appropriate options and you do not have to make that election now if you don't want to. They are trying to be as flexible as possible. They have probably signed with nine Cities and nine different City Attorneys all saying this is okay. It is not their intent to try to squeeze the City. The numbers are not going to change between now and February 15, 2013. A number of the Cities are making independent decisions on Bulk, C and D and Garbage. Wheelabrator offers the best rate; \$42 per ton and you get \$2 back for a rate of \$40. That is why every one of those options is \$500,000 cheaper than what the others are proposing. They are using ARC for Electronic Recycling and he thinks that the Hazardous Waste Program is fine.

Mr. Lunny questioned whether the full loyalty fee will be payable if we choose the Municipal Solid Waste.

Mr. Laystrom replied, "Yes". If you choose C and D and Bulk and Yard you would still be entitled to the loyalty fee.

Ron Bergeron, Sr. was present.

Mr. Bergeron commented that some of the statements made are that they are trying to compare the revenue share that has been in their contract since day one. The loyalty fee came up sometime after the Workshop in Davie when they decided to go with Sun-Bergeron. In all of his years in business he has never seen a procurement come out and then all of the requirements are waived. He believes it is important to have principles if you are going to have competition in this community; a proper procurement must be followed. If not, in the long run the citizens of this community will pay. We entered into a procurement and 16 Cities participated out of 26 that were offered to participate. Council has totally ignored a procurement that meets all of the procurement codes in this City. He wants to be clear that their revenue share has been in their bids from day one. Their revenue share is for five years. The last time he was in front of Council, based upon the numbers that were changed tonight, Sun-Bergeron would have been number one. This revenue share is really about \$300,000; it is not \$428,000; that is a flexible number. At the end of the day it is about a half a penny a person per day or about \$1 per year. He questions this. Council is setting aside the C and D and the Bulk and the Trash when they should be looking at all of it. You can analyze how you are going to get to the 75%, which is our environment. It cannot be analyzed on one. They recycle 90% and have received an award from the Governor for the highest level of recycling in the State of Florida for those three components. He does not know how a loyalty and credit can be added; that was not in the procurement and was not even in the County procurement. He hopes the Council makes the right decision for principle and for the people of this City.

Councilman Levy questioned what the 75% is that was mentioned.

Mr. Bergeron explained that the State has set out a goal in 2020 that all of us try to achieve 75% across the board Solid Waste components, which is the MSW, C and D, Bulk and Vegetation. Today they achieve 85%; however, they cannot isolate the MSW by itself and average 75% until they move forward to zero waste.

Councilman Levy stated that one of the questions raised had to do with staff being allowed to have figures changed after the proposals came in. He would like staff to answer that because there are certain things that cannot be changed. He does not think what was put out was the type of request that could not be changed.

Mr. Lunny advised that the City is not doing a procurement. The City is determining whether to enter into an Interlocal Agreement with Broward County, who has the statutory obligation to provide Solid Waste capability for the unincorporated and incorporated areas. Even if we were to undertake a procurement, our ordinances do not require a competitive procurement for services such as this because it is not a purchase as our code defines it. Another point is that in Mr. Shimun's chart, he is only trying to, for information purposes, respond to the

comments of the first meeting and show how numbers changed from staff's analysis of those comments. The Sun-Bergeron presenters questioned the base factor for electricity. Staff went back and looked at it and made the necessary adjustments. His recollection is that the presenters for Wheelabrator felt that the million dollar number assigned for the optional services was the County's number and that the number might be different if we took proposals directly from the contractors, which we are able to do, so that piece of the chart changed. If you look at what staff is recommending, which is only the Municipal Solid Waste, the question is whether you want to enter into the ILA. If so, then you can pick one and that decision is driven by this loyalty payment number and the date that is associated with it. He thinks that the clarification would be tonight's decision; it is not a procurement decision. If the Council wishes to do the ILA the Administration wants to know if you want to decide now because there is a financial benefit to doing that. The numbers changed because of what was said at the last meeting on both sides. The numbers are our Administration's best estimate of what we think the costs will be. We may not have a real good handle on our C and D and Bulk Trash and one other piece because we haven't flushed that through the proposed formula.

Mr. Bergeron commented that their price is twice as much but they can still be lower.

Mr. Lunny indicated that we had a hearing and staff listened to what was said by both contractors. They both went back to the drawing board and they both have different numbers.

Councilperson Stoner stated that she is comfortable. She respects everyone's tenacity and participation but she is comfortable with staff's ranking.

Mr. Lunny advised that you have to decide to enter into the Interlocal Agreement with Broward County. He noted that Wheelabrator Option #2 is for Municipal Solid Waste only. Council would have to then decide whether they want to do the Centralized Billing and Flow Control.

Mr. Shimun indicated that those are County programs; they do not change the ranking at all. When staff reviewed that we did not feel that those services had the benefit to pick them up; therefore, we are not recommending them.

Mr. Lunny concurred with Mr. Shimun.

Motion by Councilperson Stoner, seconded by Councilman Jacobs, that we enter into the ILA, go with Wheelabrator Option #2, which is staff's ranking #1. Motion carried on the following roll call vote:

Ayes: Jacobs, Levy, Moody, Stoner, Tingom

Nays: None

Mr. Lunny mentioned that the other piece of this is do we have the January 31, 2013 deadline for the Household Hazardous Waste, Keep Broward Beautiful and Bulk Trash?

Ms. Richards noted that the County extended the date.

Mr. Lunny stated that the last time this was presented to the Council our idea was that we would go with the County for those optional services and now that might be changing so he did not know if we needed to revise or approve a resolution with a different direction.

Mr. Lunny read the Resolution for Wheelabrator Option #2 as follows:

A Resolution of the City of Plantation relating to Environmental Control, approving an Interlocal Agreement with Broward County and other contract communities for optional services for Environmental Control, for Keep Broward Beautiful, Household Hazardous Waste, Bulk Trash and Yard Waste Drop-Off Programs authorized by the Mayor and Chief Administrative Officer to finalize the Interlocal Agreement, sign all agreements and documents, take other actions to implement all actions authorized by this Resolution, making other implementing decisions with respect thereto, waiving competitive procurement for the services covered by the Interlocal Agreement; providing findings; providing a savings clause; and providing an effective date therefor.

Mr. Lunny commented that he was not sure this is what we need.

In response to Councilman Levy, Mr. Lunny indicated that C and D is not coming to Council. Like the other Resolution, Council had to check which ones you want.

Mayor Bendekovic advised that they will bring C and D back to Council and there will be a comparison.

Mr. Lunny explained that the confusion is because there was an updated report where staff is asking that you authorize them to continue dialogue with Wheelabrator for Household Hazardous Waste and Electronic Recycling and he believes that is the direction that Mr. Shimun was seeking.

In response to Councilman Levy, Mayor Bendekovic stated that they will continue discussions with both; with C and D, and there will be a comparisons chart. She believes that is coming back in February and then we still have haulers and others to come. Each one will be brought back independently because they thought it would be easier that way.

Councilman Levy believed that we should have done it all tonight but we will do it in small pieces.

Mr. Lunny stated that no Resolution is necessary; it is just this part of the updated report and it directs staff to negotiate with Wheelabrator to provide Household Hazardous Waste and Electronic Recycling.

There was a consensus to allow direction to negotiate with Wheelabrator to provide Household Hazardous Waste and Electronic Recycling.

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LEGISLATIVE ITEMS

Mr. Lunny read Item No. 12.

12. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE AMENDING CODE SECTION 20-74 REVISING CRITERIA FOR PUBLIC SCHOOL CONCURRENCY; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

A memorandum dated January 23, 2013, to Mayor and City Council, from Planning, Zoning & Economic Development, follows:

In 2003, the Broward County School Board, Broward County Commission, and Broward Cities entered into an Interlocal Agreement (ILA) for the purposes of establishing a countywide methodology for measuring school concurrency, or the point at which student enrollment exceeds school capacity. The agreement granted the

School Board the authority to monitor and participate in the City review of residential zoning map and land use plan amendments. The agreement also established the:

1. Staff Working Group (SWG), including School Board, Broward County, and Broward County City Staff, and
2. The Oversight Committee comprised mostly of local elected officials, to monitor Interlocal Agreement. Council President Pete Tingom currently sits on the Oversight Committee.

In 2005, the Florida Legislature passed a bill that required amending the original ILA to ensure that public school concurrency is incorporated into future land use plan amendments, platting, rezoning, and site plan processes to ensure that there is adequate school capacity. When a development adds students to an overcapacity school, or causes a school to become overcapacity, developers are required to construct an additional classroom or pay equivalent funds to accommodate the additional students. The first Amended ILA was approved and signed by the City January 2008.

Over the subsequent years, technical and timing issues required changes to the first Amended ILA. The Oversight Committee, SWG, and City Council approved the second Amended ILA, effectively revising school level of service (LOS) as follows:

From: 110% of the permanent classroom capacity (excludes portables)
To: 100% of gross classroom capacity (includes portables)

This methodology allows portable classrooms to be counted towards meeting student capacity until the beginning of the 2019/2020 school year.

In accordance with the 2nd Amended ILA, the City must include language in its Land Development Regulations to reflect the changes indicated above. This amendment also accurately reflects adopted Policy 1.2.3 of the Comprehensive Plan Public School Facilities Element (PSFE), and is consistent with the Broward County Land Development Code.

The attached ordinance amends the Land Development Regulations consistent with the second Amended ILA. New language is underlined. Deleted language is ~~struck through~~.

RECOMMENDATION

Approved is presented.

Mr. Lunny explained that this is a housekeeping ordinance. The Interlocal Agreement has changed and the County has implemented the rules, which are promulgated by the School Board of Broward County.

Motion by Councilman Jacobs, seconded by Councilperson Stoner, to approve Item No. 12. Motion carried on the following roll call vote:

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

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QUASI-JUDICIAL CONSENT AGENDA

Mr. Lunny read Item No. 13.

13. APPROVE LETTER OF CREDIT FOR WALGREENS LOCATED AT 1251 SOUTH STATE ROAD 7.

An Interoffice Memorandum No. 2013-0104, dated January 16, 2013, to Mayor and members of City Council, from Brett Butler, City Engineer, follows:

Pursuant to the City Code and a Development Agreement for the subject Walgreens development, the Developer has tendered to the City financial assurances for the project in the form of an Irrevocable Letter of Credit (LOC). An LOC is not a default form of financial assurance listed by the City Code, which requires City Council approval. The City Council worked with the Developer to approve the LOC for construction on February 22, 2012.

The City Code also requires a form of replacement financial assurance in the amount of 10% of the financial assurances for construction as a condition for issuance of a certificate of occupancy. The replacement financial assurance will be retained for a period of one (1) year after the issuance of the certificate of occupancy. Attached for this purpose is an executed Irrevocable Replacement LOC which has been reviewed and approved by the City’s Legal Department. Staff requests City Council approval to accept the LOC. The matter is now ready for City Council approval. Should you have any questions concerning this matter, please do not hesitate to contact me.

Motion by Councilman Jacobs, seconded by Councilman Levy, to approve Item No. 13. Motion carried on the following roll call vote:

- Ayes: Jacobs, Levy, Moody, Tingom
- Nays: None
- Abstained: Stoner

Councilperson Stoner mentioned that her son-in-law works for Walgreens and questioned whether she should abstain from voting.

Mr. Lunny replied, “Yes”.

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QUASI-JUDICIAL ITEMS

Mr. Lunny read Item No. 14.

14. REQUEST FOR SIGN SPECIAL EXCEPTION FOR MCDONALDS LOCATED AT 1351 SOUTH UNIVERSITY DRIVE.

A Staff Report dated January 23, 2013, to the City Council, from the Planning, Zoning and Economic Development Department, follows:

EXHIBITS TO BE INCLUDED: Planning and Zoning Division report; subject site map; aerials; Sign Special Exception application and sign details.

REQUESTS:

1. From: Section 22-35(g), which allows two (2) wall signs, one on the front of the building (University Drive) and a second sign on one side of the building;
To: Allow three (3) wall signs; one on University Drive, a second on SW 13th Place, and a third facing west.
2. From: Section 22-35(a), which limits the size of wall signs on the front of the building to 60 square feet in area and wall signs on the sides of the building to 30 square feet in area (1/2 the allowable size of the front sign);
To: Increase the size of the wall sign on the south side of the building (SW 13th Place) from 30 square feet to 46.8 square feet.
3. From: Section 22-20(g), which limits logos to 10% of the allowable wall sign area.
To: Increase the allowable logo size from six square feet to 14 square feet on the east elevation; and
To: Increase the allowable logo size from three square feet to 14 square feet on the north elevation.
4. From: Section 2-20(e), which prohibits signage on awnings or canopies;
To: Allow "Welcome" signage mounted to a canopy on the north elevation; and
To: Allow "Welcome" signage mounted to an awning on the west elevation.
5. From: Section 22-20(x), which limits the height of direction signage to four feet;
To: Increase the height of a direction (Drive-Thru) sign to 11 feet.

ANALYSIS

The subject site is located on the west side of University Drive at SW 13th Place within the University Shoppes shopping center. City Council approved a site plan for redevelopment of the shopping center on June 8, 2011, which provided for the following:

1. Demolition and rebuild of portions of the existing shopping center.
2. Demolition of the existing McDonalds adjacent to the shopping center.
3. Rebuild the McDonalds adjacent to University Drive (SW corner of University Drive and SW 13th Place).

The applicant is requesting approval of multiple special exceptions to incorporate McDonalds branding signage. In total, proposed are two “McDonalds” signs, three “golden arches”, two “Welcome” canopy signs and two menu boards with three drive-thru canopies. The table below summarizes the applications special exception requests:

Special Exceptions	Allowed by Sign Code	Requested by Applicant
Number of wall signs	2 sides (2 McDonalds with 2 logos)	3 sides (2 McDonalds with 3 logos)
Area of wall sign	30 square feet (north elevation)	46.8 square feet (north elevation)
Area of logos	3 square feet (north elevation) 6 square feet (east elevation)	14 square feet (north elevation) 14 square feet (east elevation)
Signage on awnings or canopies	0	1 sign on a canopy (north elevation) 1 sign on an awning (west elevation)
Height of directional	0	11 feet (top of drive under structure)

PLANNING AND ZONING COMMENTS

Special Exception Review: The new McDonalds will become one of the most visible buildings in the City. The new restaurant will be located adjacent to University Drive, one of the most heavily traveled roads in the City, with access from both north and southbound traffic. Travel speeds along this portion of University Drive (south of Peters) are generally less than posted speed limits, allowing more time for customers to identify the restaurant. McDonalds also shares space on a monument sign at the southwest corner of SW 13th Place and University Drive.

Based on the enhanced visibility afforded this site, staff has the following suggestions:

1. Deny increasing the SW 13th Place (north elevation) wall sign from 30 square feet to 47 square feet. The increase is not needed based on No. 2 below.
2. Approve increasing the iconic McDonalds “double arches” logo from three square feet to 14 square feet as requested.
3. Staff does not support awning signs, but in this case has no objection, as signs are very small, clearly accessory to the building, not intended for commercial purposes, and helpful to identify pedestrian entrances.
4. Approve the increase in the number of wall signs, subject to denial of No. 1 above.
5. Approve the directional sign special exceptions, which is typical in double-lane drive-thru locations.

GENERAL ZONING COMMENTS:

1. The plans do not indicate the trim cap and return colors for the McDonalds channel letter signs. The uniform sign agreement requires the trim cap and returns to match the face color which is proposed as white.
2. Elimination of the third menu board facing University Drive. (The site plan marked B#2 only shows two menu boards, one for each drive-thru lane, both facing west).
3. The elimination of the “pre-sell” board shown on the Site Plan B#2.

Mr. Leeds advised that the applicant was basically coming in for sign special exceptions. They do not have any objection to the small signs on the entrance canopies or to the signs that direct traffic. The McDonalds will have a two-lane arrangement to get more cars off of the street quicker. The only one they did not support was expanding the sign on the front elevation on the north facing the Bank of America and they did so with the understanding that we would support the logo of the golden arches to increase to 14 square feet. The applicant agreed and is going to remove the McDonalds word from the north elevation and they will keep the golden arches. Both staff and the applicant agree that the iconic logo is more effective at identifying the restaurant.

Craig McDonald, with Corporate Property Services, was present on behalf of McDonalds.

Mr. McDonald advised that Mr. Leeds is correct; they have agreed to remove the McDonalds sign from the front elevation and proceed with 14-square-foot arches.

In response to Councilman Tingom, Mr. McDonald indicated that they agree with all of the comments and conditions.

Motion by Councilman Jacobs, seconded by Councilman Levy, to approve Item No. 14. Motion carried on the following roll call vote:

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

* * * * *

Mr. Lunny read Item No. 15.

15. CONSIDERATION OF REQUEST FOR SITE PLAN, ELEVATION AND LANDSCAPE PLAN AMENDMENT FOR VILLAGE ON 5TH. PROPERTY LOCATED AT 7736 NW 5TH STREET AND ZONED PRD-16Q. (PLANNED RESIDENTIAL DEVELOPMENT)

REQUEST: Approval of site plan modification with Phasing.

NEW WAIVER REQUESTS

Landscape:

1. From: Section 13-41(a)(b)(c). Pedestrian zones along building facades. Landscape pedestrian zones shall extend the full width of each façade with abuts a parking or vehicular use area; the minimum width of such landscape zone shall relate to the adjacent structure's wall height.
To: Building 1:
 - 11.5' required along the western façade – 7' provided.
 - 11.5' required along the southern façade – 0' provided.Building 2:
 - 13' required along the northern façade – 0' provided.

Landscape staff has no objections to this waiver request.

EXHIBITS TO BE INCLUDED: Planning and Zoning Division report; subject site map; site plan application; and Review Committee Meeting minutes of July 24, 2012.

ANALYSIS:

The subject property was previously occupied by a daycare center. The daycare center was demolished and a rezoning and a site plan were approved on March 16, 2005. The site plan included 17 townhomes constructed in three buildings at ¾ stories and a recreation/pool area. The northernmost townhouse building adjacent to NW 5th Street is partially constructed. The building permit for the NW 5th Street building was recently reissued to a new contractor.

The applicant proposes to:

1. Finish the partially built townhouse building adjacent to NW 5th Street.
2. Revise the approved site plan to reduce the height of the remaining two buildings from ¾ stories to two stories. (Otherwise, the site plan remains unchanged from the 2005 approved plan, including building, parking, and recreation area location).

The townhomes are designed with a contemporary design of stucco finishes and metal seam roofing. Two-car garages are located on the first floor with access from the rear of the units. A brick knee wall with end columns will create a courtyard for each townhome fronting NW 5th Street. The plan includes a swimming pool and pavilions.

The requested site plan modification proposes development in two phases. The completion of the NW 5th Street building, including ten of the 17 planned parking spaces and adjacent landscaping, will be completed in Phase 1. The community amenities (pool, park, and pavilions), the remaining two buildings, full perimeter landscaping, and remaining parking will be completed in Phase 2.

PARKING: The March 2005 site plan provided 51 spaces, exceeding code requirements. Last year, the City Council initiated parking code changes increasing townhouse parking requirements and establishing minimum interior clear garage dimensions. The City Council approved these amendments on September 27, 2012. Based on the current code, 72 parking spaces are required.

With only two garage spaces per unit (no driveway parking is provided in front of each townhouse), unit owners with 3+ vehicles will occupy some portion of the 17 unassigned outdoor spaces on a regular basis. Guest parking will be reduced on nights and weekends, requiring some guests to park in unapproved areas, possibly designated fire lanes. This is not an uncommon situation in older townhouse developments in Plantation. Since the applicant has represented this to be developed as a “For sale” product, the homeowner (or Condo) Association can enforce internal regulations regarding the use of unassigned spaces. If the City receives a complaint about a vehicle parked in a fire lane, the Police Department has enforcement authority.

The City has a desire in facilitating redevelopment of this site with a neighborhood compatible use (two-story townhouse adjacent to single family residential). Staff will not object to the parking deficiency if the applicant agrees to complete certain site improvements (see double asterisk ** below) prior to issuance of a certificate of occupancy for the existing NW 5th Street building. This is to assure, in the event that the two proposed rear buildings are not constructed, overall site issues have been addressed.

STAFF COMMENTS:
PLANNING AND ZONING:

Planning: No comments.

Zoning:

In General:

1. **In consideration of the prior waiver to reduce the front setback from 66.7 feet to 11 feet along NW 5th Street, the applicant has agreed to relocate the existing overhead power lines underground prior to issuance of certificate of occupancy (“CO”) for the existing NW 5th Street building.
2. **The proposed perimeter walls on east and front (NW 5th Street) side of the property shall be completed prior to issuance of a CO of the existing NW 5th Street building. *This comment overrides the note on the current plan indicating that the east side wall will not be completed until Phase 2.*
3. **The applicant submitted a response letter dated December 18, 2012 stating that the pool structure, without the pool finishes, will be completed prior to issuance of a CO for the existing NW 5th Street building. Staff agrees.
4. **The applicant has agreed that the remaining parking, pool, pavilions, and park will be completed prior to the issuance of the first certificate of occupancy in Phase 2 (any unit in the proposed middle or south buildings). Staff agrees.
5. All parking and landscaping included in Phase 1 shall be completed prior to a CO for the existing NW 5th Street building.
6. The Homeowners Association document shall be submitted to and approved by the City Attorney prior to certificate of occupancy of the existing NW 5th Street building. The Homeowners Association documents need to specify:
 - a. No garage conversions;
 - b. No personal fences;
 - c. No screen enclosures;
 - d. No storage on the balconies; and
 - e. No additional personal amenities aside from what is shown on the site plan. (These items will decrease the required landscape area below code.)
7. Provide a unified control document and cross access agreement for review and approval by the City Attorney prior to issuance of certificate of occupancy for the existing NW 5th Street building.

Phasing:

6. The phase line should be moved to the south side of the driveway located south of existing NW 5th Street building.

Site Data:

7. Please correct the site data table regarding the total building area under the heading Floor Area Ratio. Staff calculates the total building area to be (+/-) 40,807 square feet (Building #1 (+/-) 11,987 square feet, Building #2 +/- 9,998 square feet, and Building #3 at +/- 18,821 square feet). Revise plan accordingly.

Elevations:

8. The garden wall shown along NE 5th Street (not yet constructed) is referred to as a “painted brick wall” on page A-206. This language is ambiguous and unclear, as the entire wall is intended to be constructed of “Chicago Brick”, just like the wall columns. Delete Color No. 5 comment. Add keynote comment on Page A-206 stating the wall is to be constructed of “Chicago Brick”. Revise plan accordingly.

Details:

9. Please provide a letter from Waste Management confirming how they will service this site prior to issuance of a certificate of occupancy for the existing NW 5th Street building.

Signage:

10. A separate building permit is required for a sign. As per City Code Section 22-43; the development is allowed one ground sign not to exceed 18 square feet, with a maximum height of five feet.

Waivers:

11. The City Council approved the following waivers with the original 2005 site plan:
 - a. From Section 27-689(a), to increase the allowable lot coverage from 30% to 33.67%;
 - i. This waiver is required to construct the project.*
 - b. From Section 27-689(b), to increase the allowable floor area ratio from 1.0 to 1.05;
 - i. This waiver is no longer required.*
 - c. From Section 27-689(c), to reduce the required building setback from 66.76 feet (based on a building height of 44.5 feet) to 11 feet on the north side, 26.3 feet on the south side, 5.75 feet on the east side, and 53.9 feet on the west side.
 - i. This waiver is required to construct the project.*
 - d. From Section 27-742(e), to reduce the required drive aisles width from 24 feet to 20 feet;
 - i. This waiver is required to construct the project.*
 - e. From Section 27-637(8)(b), to reduce the wall setback from 5 feet to 2 feet along NW 5th Street.
 - i. This waiver is required to construct the project.*

TRAFFIC CONSULTANT: See Engineering.

ENGINEERING DEPARTMENT:

1. Sheet C2 shows cross section A-A, but there is no detail for A-A, please provide. *Section A-A is at the driveway. The cross section detail shows curb and landscape, please revise.*
2. Per permit comment #2, the right-of-way apron has been paved and is not shown on the plans. Please show that area as being new asphalt.
3. Per an agreement with the applicant, a developer agreement and cash bond will be required.

Permit Comments

Note: A detailed review of the civil drawings has not been performed at this time. If the site plan application is approved by City Council, a thorough engineering review will be performed at the time of application for construction permits.

1. An erosion and sedimentation control plan will be required and reviewed at time of permitting.
2. A Maintenance of Traffic (MOT) plan will be required. Please meet with Engineering to discuss. *The work within the right-of-way has not been completed. The driveway apron is still gravel and will need to be paved.*
3. Surface water management permit(s) through the Environmental Protection Department (EPD) and/or SFWMD may be required and a copy(s) provided to the Engineering Department at the time of permit review. *Please provide a letter from OPWCD stating that the previous permit is still active.*
4. Per discussions with the applicant, they will be required to execute a developer agreement and post a cash bond for all engineering and landscape related improvements at the time of permitting.

DESIGN, LANDSCAPE & CONSTRUCTION MANAGEMENT:

1. If the south two new buildings (Buildings 1 & 2) are not under construction at the time of issuance of a certificate of occupancy on the NW 5th street building, the remainder of the site must be sodded with St. Augustine sod and irrigated, the perimeter landscape must be installed, and proposed trees and hedge will be planted in the proposed park area.
2. Staff suggests the use of an alternate tree species in lieu of the Dahoon holly; the Dahoon holly has not been performing well in the City.

3. Landscape pedestrian zones shall extend the full width of each façade which abuts a parking or vehicular use area; the minimum width of such landscape zone shall relate to the adjacent structure's wall height.

Building 1

- 11.5' required along the western façade – 7' provided.
- 11.5' required along the southern façade – 0' provided.

Waiver requested – staff has no objection to this waiver request.

BUILDING DEPARTMENT: No objection.

1. Complete structural and MEP drawings meeting the 2010 FBC required for permit review.

FIRE DEPARTMENT: No objection.

POLICE DEPARTMENT: This project will have little or no impact on Police services.

UTILITIES:

1. Developer must complete installation and certification process from the Permitting Agencies and Plantation Utilities Department. Clarification is required from BCHD as to status of existing water main extension permit. Utilities has met with Developer representative along with the Engineer of Record and explained in detail as to what is required. Developer has agreed to complete the process. **To date, no site visit meeting/walk through has taken place as requested.**

O.P.W.C.D.:

1. Old Plantation Water Control requires an acceptable drainage plan with retention and runoff calculations and construction drawing prior to issuance of a building permit.
2. Acceptance of as-built drawings and Certified Stormwater Inspection Report will be required prior to issuance of a Certificate of Occupancy.

WASTE MANAGEMENT: No objections.

Mr. Leeds explained that this is the three or four-story building that has been on sitting on SW 5th Street. The project started in 2005 and it got caught up in the real estate recession. Mr. Synalovski is proposing to complete the project; however, he wants to split it into two phases. The first phase is completing the existing building on SW 5th Street and the second phase is completing the two proposed buildings to the rear. The only change is that the proposed buildings in the rear were originally three to four stories and they have been reduced to two stories primarily in consideration of changing market conditions. Staff has no objection and supports the request because it is less of an impact on the adjacent single family residential. Staff is looking for a number of items they feel should be done prior to CO of the existing building. This is to assure that they will be done in the event that the second phase is delayed or deferred for any reason. One of the things discussed was placing the power lines that are currently above ground underground before the CO for the first building. This is actually a comment from the original staff report in 2005 and it was like a trade-off, we will let you put the building close to the road; however, the power lines must be buried. A brick wall is required in the front where there is currently a fence and we would like to see the wall in front. We would also like to see a wall on the east property line to be constructed as well prior to the SW 5th Street building CO. The Building Department has requested that the pool structure be done prior to the issuance of the CO for the front building. Zoning is a little more flexible and say that we agree but feel that all of the amenities; the remaining parking, the pool, the

pavilions and the open space, be completed prior to issuance of the first CO in Phase 2. Mr. Sinalovski is being told that the Building Department wants the pool in the ground and Zoning says that all of the amenities need to be completed before doing a CO for any unit in Phase 2. We also need some things that were not finished such as Homeowner's Association documents. Mr. Sinalovski has advised that this building will now be a condominium. It was originally a condominium then there was discussion of rentals and now it is going to be a condominium again; therefore, documents need to be submitted to be reviewed by the City Attorney.

Mr. Sinalovski corrected Mr. Leeds and stated that there will be a Homeowner's Association and the townhouse units are fee simple.

Mr. Leeds indicated that we also need a unified control document; a cross access agreement. Because this is a two-phase project, we want to make sure that everything related to the project is completed.

In response to Councilman Jacobs, Mr. Leeds clarified that the only waiver is the landscape pedestrian zone waiver. Everything else is a previously approved waiver.

Manny Sinalovski was present.

Mr. Sinalovski advised that they are requesting a landscape waiver; however, they have not modified the site plan. It may have been a waiver back in 2005 but it is not as a result of them doing anything different than the site plan previously approved in 2005. Mr. Leeds is correct; that is the only additional waiver. The only modification they did was reduce Buildings 1 and 2, which are the buildings in the rear on the south side of the property from three and four stories to straight across two-story. As it relates to the issue of parking, they realize that the City passed a new ordinance in September 2012. They submitted their application for the continuation of the project and the amendment way before consideration of that modification and if they need to meet that new parking ordinance the project would be impossible to continue. The intent is to focus on Building 3, which is the existing building fronting SW 5th Street and immediately thereafter, over the course of the next three to four months as they finish the building, to submit plans for Buildings 1 and 2 for the remaining 11 units. There are six units in the existing building and there will be five plus six for a total of 11 plus the existing six for a total of 17 units. The density has not changed and the parking that was previously provided was two parking spaces within each unit. Their Homeowner documents will require that those parking spaces and garages remain and can never be anything other than garage space. There is also a third unassigned parking space, one per unit, in addition to the two. Every townhome will have three parking spaces. It is not a condominium project because when the units are sold they are selling the lot and the structure above it; it is fee simple. There will be common areas such as common drives and there is an internal park between Buildings 1 and 2, which has a number of amenities. There is a pool, a few pavilions, a handful of heartscape and landscape improvements that are communal to the community, which are shared by all. The project is fully sprinkled; each townhome has its own fire sprinkler system for the purpose of protecting the home. The property is going to be beautifully landscaped and sprinklered with irrigation. The existing building has units that have four or five bedrooms, depending on how one would use the top floor on the end units, and all of the other townhomes in Buildings 1 and 2 are going to be three-bedroom units. Based on the current market condition requirement and on townhouse sales currently in Plantation and further west, he thinks it is fair to say that they are looking at a product that will sell very close to \$300,000. In a different economy and in a different time of our lives, they were looking at a product that was going to sell for \$600,000. The proper modifications are being made not only to complete all of the common areas as originally designed but to modify the last two buildings to reflect the new economy.

Mr. Synalovski continued by stating that the current building, although it was previously permitted, has been re-permitted based on new codes. He thanked staff because they really needed their assistance, guidance and support to reinitiate the project. Mr. Leeds referenced two walls, a wall fronting SW 5th Street that they intend to build. They will also install power lines underground as that was part of the original site plan approval in 2005. The property immediately to the east has been developed and finished. That property, a green single family home, is under contract and a closing is expected on February 15, 2013. That property installed a wall and they are somewhat fearful that installing a new wall might somehow damage that improvement. It is a solid six-foot tall vinyl finished product and his only concern is that building a continuation of a mason wall that exists throughout the community of Canterbury, with the remaining section of 80 feet with an existing fence that was placed precisely on the property line, is going to be difficult without having to engage the new property owner. The existing property owner may not be so difficult; however, the new property owner may not have any interest.

Mr. Leeds requested an explanation as to what kind of wall or fence separates Canterbury Square south of the green house.

Mr. Synalovski indicated that south of the green house is a masonry wall; a CBS block wall that has stucco. The vinyl is a very different look but our landscaping is so intense along that edge because we wanted to provide the proper privacy to neighbors to the east that he is not sure the wall is going to be that relevant.

Mr. Leeds stated that if there is an existing concrete wall there is no point in putting up another wall. It creates another issue as there will be a dead zone between the two walls. He noted that he would waive the requirement for a wall on the west lot line based on the representation that there is a concrete wall and based on the landscape plan.

Councilman Levy requested a caveat that says if the wall is ever taken down or demolished that they would have to put up a wall.

Mr. Leeds advised that would have to possibly be put in the Homeowner's Association declaration. He did not have an objection.

Mr. Synalovski agreed.

In response to Councilperson Stoner, Mr. Synalovski indicated that there will still be a wall on the north side; it is a decorative brick wall that defines the front yards of the units facing the street.

Councilperson Stoner commented that it is an eyesore as it currently exists.

Mr. Leeds mentioned a new wall next to Plantation Gardens. There will be a new wall constructed along the east property line. He changed his comments to require that wall be constructed prior to CO of the front building, which would be the east property line. The west property line only needs to be constructed if the existing wall is knocked down.

Mr. Synalovski agreed to the comment. He noted that the wall is a shadowbox fence that was recently improved and landscaped on the rental community side. They will work with staff and hopefully they will help with their neighbor to accomplish what needs to be done. He stated that the image will change significantly.

Councilperson Stoner noted that there are 17 units and a total of 51 parking spaces. She questioned whether the spaces are for compact cars or full size and whether the garages are full sizes.

Mr. Leeds clarified that there are 51 parking spaces. Under the new code recently passed, the plan would require 72 parking spaces. The garage sizes are four inches short on the width and they are all right on the depth except they have a door that swings out from the kitchen that will be hard to squeeze through when a full size car is parked inside. The Fire Department may not allow the door to swing in.

Mr. Synalovski stated that the proposed door is literally at the center of the garage, which would be the space between both vehicles, so it would not open into either car unless the vehicle is parked in the middle. It is strategically designed to be between both vehicles.

Councilperson Stoner agreed with Mr. Leeds about the pool, pavilions and other things being part of the CO of Building 1. She has recently seen in some of the projects that were not finished in the past that the developer retains control of the Association until the majority of the units are sold. When they are not sold there are some people under fee simple and some of the amenities are done, but the developer is controlling the Board, which allows them to rent or sell the units, but restricts the current owners. She questioned how we can not have that type of restriction.

Mr. Lunny cautioned the Council because Zoning does not deal with the ownership structure of the asset. There are laws that say you cannot discriminate between rental and condominium. Financing requirements for developing communities often require developer control so that lenders can be in a favorable position should the development fail. He believes there can be a requirement that the infrastructure be in place, the pool and the pavilions, and you can definitely time the improvements, but when you get to the point of defining who the improvements are for and trying to alter those arrangements you might affect the ability of the developer to obtain the necessary financing to complete the project. He thinks it is important for the City to say that the common amenities will be useable by everyone because that was the initial intent when the process was not phased; however, if the developer is in control and they want to levy some sort of fee or access or regulate the times of use, those are private arrangements.

Councilperson Stoner was all right with that. Her concern is that people have bought units and the other units are not selling so they decide to rent. She assumes the offering circular is going to say these are fee simple and since the Association is governed by the developer, basically the fee simple owners have no say.

Mr. Lunny advised that is part of the inherent risks.

Mr. Synalovski indicated that the new property owners are going to invest plus or minus \$2.5 million in terms of buying the property, paying all of the fees that need to be paid, and finishing the building that needs to be upgraded to a new code. He does not believe that they have any interest whatsoever in managing 11 townhomes as a rental community. They believe there are other benefits to their solution that the competition may not have. The concern is legitimate but that is not the business model or the game plan. The game plan is to build the remaining 11 units and sell them probably in advance of finishing them as opposed to speculating on them. They do not think there will be another turn in the economy that will change the game plan and are very positive that they will be successful in completing the project.

Councilperson Stoner mentioned that the roads will be private roads so when the City says they want five palm trees on their private road in order to get a CO the developer is still ultimately responsible for those trees and its replacement or whatever happens to them.

Mr. Lunny stated that is correct. There is a requirement for rooting so once the trees are rooted and Landscape signs off it is now private property and is not maintained by Plantation. If it affects any of the private facilities it is the private property owner's concern. If it affects our facility because of root growth, we have the right if we have an easement, to go in and prune and fix so that our facility is restored. We understand that maintaining the structure and allowing trees to be planted near lines is part of the cost; therefore, Utilities has always taken care of that.

Mr. Leeds advised that the worst case scenario is that it is possible for the first building to be finished before the amenity package is finished. They could end up with one building, parking and landscaping and no amenities except for maybe a pool in the ground, as required by the Building Department.

In response to Councilperson Stoner, Mr. Leeds indicated that staff had a discussion with Mr. Synalovski and it was agreed that the City would not require completion of the amenity package until he comes in for a CO for one of the rear buildings. The Building Department has requested that the pool structure be put in as a condition of the front building.

Mr. Lunny stated that the prior plan approval required everything by the first building CO.

Mr. Leeds indicated that Council has the authority if they want the entire amenity package completed by first CO. He believes that Mr. Synalovski wants to respond to that in terms of logistics of the amenity package which is located next to one of the buildings. Plan A shows Mr. Synalovski building a wall along the east property line next to the apartment complex. He understood the applicant to say that they want to talk about that because a wood fence has been installed by the renovated apartment complex. He requested that Council put any discretion in the motion. He does not know if the waiver is required technically but if you want to give that discretion to accept the existing fence rather than a wall next to a fence let him know.

Councilman Tingom stated that the problem is a double wall with a space between them.

Mayor Bendekovic commented that there is a wood fence that decays. She noted that if it deteriorates then they have to put the concrete in.

Councilperson Stoner questioned whether we can say that it has to be replaced within a time certain.

Councilman Tingom indicated that as determined by the Building Department, the fence needs to be replaced and the applicant will be given 90 days.

Mr. Lunny advised that the logical course would be to ask the person who has the fence if they are going to rebuild it and if they say no then we would request Mr. Synalovski's successor to put up the wall.

In response to Councilman Jacobs, Mr. Lunny stated that can be part of the Unified Control declaration in the Homeowner's Association documents that he would look at.

Mr. Synalovski noted that they would agree to that. He is not looking for more time but sometimes 60 to 90 days is not long enough. His fear is that they would damage the continuous fence that they built. At the discretion of staff, if it needs replacement they would appreciate that.

Councilman Jacobs questioned whether we are applying the new code or with the old code.

Mr. Leeds stated that the prior contractor had an open active building permit and the prior contractor was replaced by a new contractor; therefore, a new building permit was issued. Based on the fact that there is an active building permit he does not believe there is a parking requirement that they have to comply with the new code.

Mr. Lunny noted that the staff report says they would be grandfathered.

Motion by Councilman Jacobs, seconded by Councilperson Stoner, to approve Item No. 15, request for site plan, elevation and landscape plan amendment for Village on 5th, property located at 7736 NW 5th Street with the phasing; the old parking requirement, as they are grandfathered in; noting that the fence will be put into the Unified Control document. Motion carried on the following roll call vote:

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

Mayor Bendekovic commented that after this is constructed she hopes that she does not get another question about the building on SW 5th Street. She agreed with Councilperson Stoner, there are constant questions regarding that building.

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COUNCILMEMBERS' COMMENTS

Mayor Bendekovic stated that the next City Council meeting will be held on February 13, 2013.

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Councilman Tingom advised that the Police Department is hosting a 5k walk on Sunday, February 10, 2013 at 7:00 a.m. at Central Park.

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PUBLIC REQUESTS OF THE COUNCIL CONCERNING MUNICIPAL AFFAIRS

Dennis Conklin, resident, was present. He wants to issue a protest that does not comply with the City's Resolution No. 1, which permits five minutes for the public to speak.

Mr. Conklin mentioned that there were a lot of campaign signs in the swale along NW 46th Avenue including in the church properties. The signs featured the City's tree logo, which he thought was a registered trademark. He was curious if the candidate was somehow endorsed by the City.

Mayor Bendekovic advised that the City does not endorse any of the candidates. Any campaign signs are removed from the swale; Public Works picks them up every morning. She reminded everyone that the campaign signs are picked up from the medians and swales. They are being kept at Public Works and can be picked up at the end of the day. She suggested that the candidates tell whoever is placing the signs not to put them in the medians and swales because they are wasting time and money.

Mr. Conklin mentioned the City's financial situation. As he has said on several occasions, the problem is long term systemic shortfall. He recommended that Council immediately terminate the Defined Benefit Pension Plans and commence with Defined Contribution Pension Plans. He suggested recovery from the last three years of no raises; including this year of 2% each; and then immediately going to a four-day work week for the City of eight hours per day, which would be a 20% cut. Rather than allowing the day the City closes to be Friday, experience greater savings by closing on Monday, which would eliminate a number of holidays.

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SEALED COMPETITIVE SOLICITATIONS – None.

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WORKSHOPS

Mr. Lunny read Item No. 16.

16. STATUS REPORT – COMPREHENSIVE PLAN CERTIFICATION

A memo dated January 2, 2013, to Susan Slattery, from Laurence Leeds, follows:

Don suggested the following item be placed on the January 9, 2013 agenda as a workshop.

“Status Report: Comprehensive Plan Certification”

I am not sure if this should really be an administrative item, but Don suggested a workshop. There is no back-up. Don will make a 10-15 minute FYI presentation. The Mayor has agreed.

My question is, "Can this be scheduled as the **first workshop item?**" If this item has to follow a time consumptive item (i.e. solid waste), I would rather it be deferred to the next meeting where it can be scheduled as the first workshop.

I will stop by around 9:30 a.m. after my PAC meeting. Thanks.

Mr. Lunny advised that the City did an evaluation and appraisal report process on its comprehensive plan a number of years ago. When that is done you have to propose ordinance amendments, which was completed, reviewed and passed by the Planning and Zoning Board, by the City Council, and the State of Florida Department of Community Affairs. It then has to go to the Broward County Planning Council for certification, which it did, and of all of the amendments; there were two pieces of one amendment that created a concern at the Planning Council level. The City had to make an agreement that it would consent to the Planning Council not making these two limited provisions effective. Basically the concern was that we, as part of our many amendments, passed a comprehensive plan amendment that would not allow correctional facilities, jails and detention facilities in commercial, residential, industrial, or community facility property. We have community facility properties spread all around the City. As part of the definition of community facilities we had the word “Education” because a part of detention programs are to educate people who are in a restrained environment to rehabilitate. At the time this was happening, which was in December, the County became concerned that numerous other Cities might do the same thing because this was a topic that came up in Southwest Ranches long

after we started our process. We created some new categories of comprehensive planning that did not exist when we were doing this previously, which we might want to include in the language. The Planning Council wanted the City to acknowledge that this would get changed and they were advised that it could not be done because it is an ordinance and it has been through the process. The most we can do is consent to these two parts, which was a clarification to the definition, and not making it effective for community facilities. That is the only part of all of our amendments that would not be certified by the Planning Council so as to give the County and the City some additional time to study the issue. Staff will be, in the next year, proposing another amendment. We recognized that the County facility is CF and that might have been a motivating factor for one of the County Commissioners to express some concern but the report is that everything is done and approved. We finally finished the process but at the very end we got hung up on a discussion that was never contemplated when it was started and was only because of the exercise that Southwest Ranches and Pembroke Pines was going through and then the County deciding whether it wanted to readdress the subject.

* * * * *

Meeting adjourned at 9:57 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 _____, 2013.

Susan Slattery, City Clerk