

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

March 23, 2011

The meeting was called to order by Councilwoman Uria, President of the City Council.

1. Roll Call by City Clerk:

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

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2. The invocation was offered by Councilman Tingom.

The Pledge of Allegiance followed.

3. Approval of Minutes of Meeting – August 25, 2010

4. Approval of Minutes of Meeting – August 26, 2010

5. Approval of Minutes of Meeting – September 1, 2010

6. Approval of Minutes of Meeting – September 15, 2010

7. Approval of Minutes of Meeting – September 22, 2010

8. Approval of Minutes of Meeting – October 6, 2010

9. Approval of Minutes of Meeting – October 13, 2010

The minutes of the City Council meetings for August 25, August 26, September 1, September 15, September 22, October 6 and October 13, 2010 were approved as presented.

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ITEMS SUBMITTED BY THE MAYOR

Mayor Bendekovic congratulated Councilwoman Uria on her re-election and welcomed Councilwoman Stoner and Councilman Jacobs.

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10. ELECTION OF CITY COUNCIL OFFICERS

Motion by Councilwoman Stoner, seconded by Councilman Jacobs, nominating Councilwoman Uria as President and Councilman Tingom as Pro Tem. Motion carried on the following roll call vote:

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

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Mayor Bendekovic read a Proclamation designating April 2011 as *Paralyzed Veterans of America Month* in the City of Plantation.

Michael Foster, Executive Director for Paralyzed Veterans Association of Florida, accepted the proclamation.

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Mayor Bendekovic read a Proclamation designating April 2011 as *Car Care Month* in the City of Plantation.

Denise Johnson with the Plantation Fire Department accepted the proclamation.

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Mayor Bendekovic read a Proclamation designating April 2011 as *EMS Month* in the City of Plantation.

Fire Chief Harris and Denise Johnson with the Plantation Fire Department accepted the proclamation.

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Chief Harris presented the following awards:

- Crew of Rescue 96; Lieutenant Denise Johnson; Paramedic Marc Mize and EMT Lisa Percer. – Lifesaving Award
- Crew of Rescue 96; Lieutenant Denise Johnson, Paramedic Lionel Bell and EMT Lisa Percer – Unit Citation
- Crew of Rescue 56; Lieutenant Daniel Tringali, Paramedic Monica Maraluchi and Paramedic Somer Stuart – Lifesaving Award

Michael Gale advised that he is here because of the quick response of Crew Rescue 56 and the help of a good Samaritan who knew CPR and was willing to give CPR until EMS arrived. He recognized his girlfriend, who noticed that he was having a health problem. Mr. Gale suggested that an ordinance be created or enacted to require certain businesses of certain size caliper have defibrillators on premises at all times along with trained employees.

Volunteer Firefighter Herb Bond – Distinguished Service Award

It should be noted that a Distinguished Service Award is not given out freely. It was last given to Herb Bond in 2007.

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Debbie Stanton from Physio Control advised that as part of the “Keep the Beat” campaign, which is to keep the hearts beating, she presented an “I Saved A Life” life pack defibrillator, a t-shirt, and a friends and family anytime kit. She presented an AD trainer for all of the people who are not CPR certified.

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Councilwoman Uria stated that we owe the paramedics, firefighters and police officers everything for saving and protecting our lives.

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Mayor Bendekovic presented Service Awards to the following employees.

Roberta Barksdale	Police	30
Patricia Howe	City Clerk	25
Robert Le Claire	Public Works	25
David Grey	Utilities	20
Lisa Bevins	Fire/Rescue	15
* Joan Caracciolo	Information Tech	15
Alexis Espendez	Fire/Rescue	15
Denise Johnson	Fire/Rescue	15
Off. Greg Murphins	Police	15
Off. Aaron Vandenhouten	Police	15
* Eugene Rentas	Utilities	10
Diane Scull	Utilities	10
Ezzard Spencer, Jr.	Utilities	10
* Richard Baldrice	Fire/Rescue	5
Maxwell Gottesman	Utilities	5
Rupert McCormack	Utilities	5
* Andre Merlucci	Fire/Rescue	5
Grover Ortiz	Central Services	5
* Nancy Paul	Information Tech	5
Douglas Rivas	Public Works	5
* Cathy Smith	Police	5

* Unable to attend

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Mayor Bendekovic made the following announcements:

- The SHADE Brigade monthly meeting will be on Thursday, March 24, 2011 at 6:30 p.m. in the Development Service Building.
- A Plantation Garden Tour will be held on Saturday, March 26, 2011; buses board at 10:00 a.m. at the Broward County Government Center.
- The American Cancer Society Relay for Life will be held on Friday and Saturday, April 1 and 2, 2011, at Central Park.
- The Plantation Junior Woman's Club presents Treasured Wishes to be held at the IGFA Fishing Hall of Fame in Dania Beach, on Saturday, April 2, 2011 between 7:00 p.m. and 11:00 p.m.

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

- The City of Plantation will be coordinating the Summer Camp Program this year and applications will be available on Monday, March 28, 2011 at all Plantation Community Centers and public elementary schools. Camps will run from June 13, 2011 until August 5, 2011. Day camps are for ages 5-11 and Adventure Camp is for ages 12-14. There is also a summer camp program at the Frank Veltri Tennis Center, Share A Pony Summer Camp at the Equestrian Center and the Don Law Golf Academy at the Plantation Preserve Golf Course and Club.
- The Annual Tinsel Town Cabaret will be held at Volunteer Park on Friday, April 1, 2011 at 7:30 p.m.

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Hank Breitenkam, Utilities Director, commented that there is a water shortage and Broward and Miami Dade Counties have been designated as extreme drought areas with a deficit of almost eight inches of rain. We continue to conserve water and water two days per week, remembering that irrigation water accounts for 50% of the drinking water that a utility pumps out. If we can significantly save on landscape irrigation water we will be well on our way to getting out of this drought.

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Congratulations were offered to the Plantation Chamber of Commerce for their 50th year anniversary.

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Councilwoman Uria indicated that Relay for Life starts on Friday, April 1, 2011 at 6:30 p.m. and the luminary ceremony is at 9:30 p.m.

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CONSENT AGENDA

As a Commissioner of the CRA, Mayor Bendekovic has a voting privilege on Item No. 28.

Mr. Lunny read the Consent Agenda by title.

11. Request by Plantation Community Plaza to hold an Earth Month fundraiser on Sunday, April 17, 2011 from 8:00 a.m. – 4:00 p.m.
12. Request for approval to purchase parts for the rehabilitation of the belt filter presses at Regional Wastewater Treatment Plant to Ashbrook, Simon-Hartley, Inc. in the amount of \$50,048.20. (Budgeted – Utilities)
13. Request for approval to issue a work authorization to Hazen & Sawyer, PC for design, permitting and bidding services for the conversion of the Gulfstream Master Lift Station to an in-line booster pump station in the amount of \$255,100. (Budgeted – Utilities)
14. Request to issue purchase order for the repair of the #2 Monitoring Well at the Regional WWTP to Youngquist Brothers, Inc., not to exceed the amount of \$23,500. (Budgeted – Utilities)
15. Request for authorization to piggy-back the City of Sunrise contract #09C-02-H with Jackson Land Development, LLC for forced labor water and sanitary sewer repairs. (Budgeted – Utilities)
16. Request for authorization to purchase new power supply wiring and installation services for the Regional Wastewater Treatment Plant's on-site lift station from "UES" Universal Electrical Service, Inc. in the amount of \$21,085. (Budgeted – Utilities)
17. Request for approval of a purchase order in favor of Electrical Contracting Service in the amount of \$18,400 to replace the Central Water Treatment Plant well field production well field #2 feed wires. (Budgeted – Utilities)
19. Approval to purchase one (1) Horton Rescue Transport unit form Hall-Mark Fire Apparatus for \$309,234. (Budgeted – Fire)
22. Award bid for purchase of heart defibrillators/monitors to Physio-Control, Inc. in the amount of \$163,624.25.
23. **Resolution No. 11214**
RESOLUTION appointing the fifth member to the City of Plantation's Volunteer Firefighters' Retirement Board. (Guerra)
24. **Resolution No. 11215**
RESOLUTION to apply for a Florida Department of Transportation Grant.
25. **Resolution No. 11216**
RESOLUTION approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period March 3 – March 16, 2011 for the Plantation Gateway Development District.

Resolution No. 11217

26. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period March 3 – March 16, 2011 for the Plantation Midtown Development District.

Resolution No. 11218

27. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period March 3 – March 16, 2011.

Resolution No. 11219

28. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period March 3 – March 16, 2011 for the City of Plantation's Community Redevelopment Agency.

Motion by Councilman Tingom, seconded by Councilwoman Stoner, to approve tonight's Consent Agenda as read. Motion carried on the following roll call vote:

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

NOTE: Mayor Bendekovic voted affirmatively on Item No. 28.

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Mr. Lunny read Item No.18 by title.

18. Request for authorization for a purchase order in favor of Jackson Land Development, LLC in the amount of \$19,903.22.

An Interoffice Memorandum dated March 14, 2011 to Mayor Bendekovic and the Members of City Council from Hank Breitenkam, Director of Utilities, follows:

The Utilities Department's field crew on February 3, 2011 responded to an after-hours call concerning an overflowing manhole in the area of NW 12th Street and NW 85th Avenue. They were able to break a bit of the blockage but discovered a large amount of rock and sand in the main. Subsequent tele-inspection revealed the damage to the main was too extensive and too deep to repair in the traditional manner; the repair required a licensed underground contractor on an emergency basis.

Two underground contactors were phoned, and Jackson Land Development LLC was the first one available to respond. Jackson quoted a price not to exceed \$50,000.00, which entailed a complete repair including necessary labor, equipment, material and restoration of the area. The price quote was based on Jackson's current forced labor contract with the City of Sunrise, #(c)-02-H.

Jackson Land Development found another utility had drilled through the 8" sanitary sewer main to the extent the main was almost completely severed; a cable rested in the top portion of the city main. Jackson's crew removed the cable, completed the repair and the restoration within four days.

The total cost for the repair of this sanitary sewer main is \$19,903.22. City Council approval is hereby requested for a purchase order in favor of Jackson Land Development, LLC in the amount of \$19,903.22 for the repair of the sanitary sewer main at NW 12th Street and NW 85th Avenue.

Funding source: Project #231

Account: rehab manholes, wetwells and sewer mains account #440-0000-169-9433

Back charge invoice #: 928

Dennis Conklin, resident, mentioned that existing utilities should be checked prior to digging or drilling. He questioned whether the company that did the drilling would pay the \$19,900 cost.

Mr. Breitenkam advised that there was a back charge invoice on the backup. The company has acknowledged liability.

Motion by Councilman Tingom, seconded by Councilman Levy, to approve Item No. 18. Motion carried on the following roll call vote:

Ayes: Jacobs, Levy, Stoner, Tingom, Uria

Nays: None

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Mr. Lunny read Item No. 20 by title.

20. Council acceptance of the City of Plantation Basic Financial Statements and other schedules for the Fiscal Year ended September 30, 2010.

A memorandum dated March 11, 2011 to Mayor Rae Carole Armstrong and Members of City Council from Herbert V. Herriman, Finance Director, follows:

Consent Agenda Item for March 23, 2011 as follows:

Council acceptance of the City of Plantation Basic Financial Statements and other schedules for the fiscal year ended September 30, 2010.

Mr. Willam G. Benson, CPA, Partner will represent our auditors, Keefe, McCullough & Co., LLP at the City Council meeting to answer any question pursuant to this subject audit report.

If any City Council Members have questions pertaining to, or want clarification to these reports prior to the City Council Meeting of March 23, 2011, please do not hesitate to contact me at your convenience.

Mr. Conklin referenced Page 3, Financial Highlights, which mentions that the City's governmental funds, expenditures and financing totaled \$122 million but the revenue generated was only \$114 million.

Mayor Bendekovic advised that this would be done in detail at Budget time or suggested that he meet with Mr. Herriman. All we are doing this evening is accepting the report and saying that we are in receipt of it.

Mr. Conklin referenced Page 61 through 68; the City's Defined Benefit Pension Plan. He has encouraged the City for several years to attempt to shift over to a Defined Contribution Plan for two reasons; the City puts the taxpayers on the hook for the benefits that are not matched when the actuarial assumptions are not reached and the City employees are at peril if taxpayers cannot come up with taxes to pay their benefits. The Defined Benefit Pension Plan is starting to reach an impact and noted that addendums state that the annual contribution to the General Employee's Pension Fund in 2001 was \$65,662 and last year, 2010, the annual required contribution was \$3,876,717 which is 59 times more than the City was required to pay in 2001.

Councilwoman Uria indicated that we are aware of the funds and that is why the Tier 2 program started.

Mr. Conklin mentioned the Social Security Statements are issued every two years. Upon until 2004 the statements were clean but after that they started to appear with asterisks by each of the figures with the explanation that they would only be able to pay 71% to 76% throughout the following years if things remain the same. He noted there may be a fear in taking the step towards a Defined Contribution Plan but the taxpayers are not going to pay for the benefits. The last thing he commented on was the unfunded pension liability that the City already has under its Defined Benefit Plan. The General Employee's Pension Plan as of 2009 was \$24 million, the Police Officers Plan was \$36.6 million and the post employment and benefits was at \$22.7 million. The unfunded Pension liability for Plantation is over \$86 million. He encouraged the City to encourage the Legislature to do something to move the entire State.

Motion by Councilman Tingom, seconded by Councilwoman Stoner, to approve Item No. 20. Motion carried on the following roll call vote:

Ayes: Jacobs, Levy, Stoner, Tingom, Uria

Nays: None

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Mayor Bendekovic introduced Bill Benson, Auditor.

In response to Councilman Tingom, Mr. Benson stated that the Charter and the State require certain balances to be kept as reserve funds and the audit demonstrates that we meet or exceed all of those reserve requirements. Outside parties audit the pension fund as far as the assumption rate and other types of things and the figures were correct as stated in the report. Balances that are held in the investments were also confirmed and there is another independent firm that also audits the plan in greater detail and verifies them as well.

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Mr. Lunny read Item No. 29 by title.

21. Approve Accela yearly maintenance contract in the amount of \$44,239.69. (Budgeted – IT)

In response to Mr. Conklin, Mayor Bendekovic advised that we still got a discount because we had to say that we were going to do it.

Motion by Councilman Levy, seconded by Councilwoman Uria, to approve Item No. 21. Motion carried on the following roll call vote:

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

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ADMINISTRATIVE ITEMS

Mr. Lunny read Item No. 29 by title.

29. Approve Stop Loss Insurance premium renewal with Symetra in the amount of \$604,857.

A memorandum dated March 23, 2011 to Mayor Bendekovic and Members of the Council, from Daniel Keefe, Assistant to the Mayor, and Margie Moale, Human Resources Director, follows:

The contract with Symetra, our current Stop Loss Insurance carrier expires on March 31, 2011. Willis, our insurance broker of record, conducted the RFSP process on the City's behalf. One proposal was received from our current carrier. Essentially, premium rates are based on the stop loss claims experience over the last year combined with administrative costs and other underwriting elements.

Our current annual premium is \$558,137 with Symetra with stop loss coverage for claims exceeding \$150,000. Due to our claims experience for claims in excess of \$150,000, Symetra proposed a 27% rate increase, or \$712,304, effective April 1, 2011. To mitigate the significant increase, staff explored the risk of raising the stop loss coverage to \$175,000 which would result in an 8.4% premium increase. The risk exposure of the additional \$25,000 means that the City would save money on the annual premium difference if six (6) claims or less totaling or exceeding \$175,000 occurred. Over the last three (3) years, we have experienced an average of 4.7 claims of this nature.

RECOMMENDATION

In consideration of all of the facts surrounding our premium, it is the recommendation by Willis and City staff to continue with Symetra and raising the stop loss coverage threshold to \$175,000. This represents a \$46,720 increase for a total premium of \$604,857.

Motion by Councilman Tingom, seconded by Councilwoman Uria, to approve Item No. 29. Motion carried on the following roll call vote:

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

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LEGISLATIVE ITEMS - None.

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QUASI-JUDICIAL CONSENT AGENDA

Mr. Lunny read the Resolution by title.

Resolution No. 11220

- 30. **RESOLUTION APPROVING THAT CERTAIN RELEASE OF A PORTION OF EXISTING UTILITY EASEMENT. (JO-ANN FABRICS)**

A memorandum dated March 9, 2011, to Mayor Bendekovic and Members of City Council, from Brett W. Butler, City Engineer, follows:

The Engineering Department received a utility easement vacation application package from DDR Southeast Fountains LLC C/O) Developers Diversified Realty, located at 801 South University Drive. The request is for the vacation of a portion of a utility easement as recorded in Broward County Official Records Book 15234, Page 788. City staff approved the request at the February 22, 2011 DRC meeting. A copy of the application, legal description and sketch of proposed portions of the utility easement vacation and minutes from the DRC meeting confirming approval were provided for your review.

The City’s Legal Department has reviewed the application package and prepared a Resolution for Council action. All of the requested information for the application has been satisfactorily provided. Staff recommends execution of the Resolution to vacate portions of the subject utility easement. Should you have any questions or require additional information, please do not hesitate to contact me.

Motion by Councilman Tingom, seconded by Councilwoman Uria, to approve Item No. 30. Motion carried on the following roll call vote:

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

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QUASI-JUDICIAL ITEMS

Mr. Lunny read Item No. 31 by title.

- 31. **REQUEST FOR SIGN SPECIAL EXCEPTION FOR JACARANDA LAKES HOMEOWNERS’ ASSOCIATION AT SW CORNER OF SUNRISE BOULEVARD AND PINE ISLAND ROAD AND SE CORNER OF SUNRISE BOULEVARD AND NOB HILL ROAD.**

The following is a Planning and Zoning staff report:

REQUESTS

- 1) From: Section 22-43 that allows multi-family residential developments to have one (1) double-faced ground sign, not to exceed 18 square feet in area and five feet in height for signs not attached to an entry feature or privacy wall. Please note:

- Sign area includes only the “smallest single geometric figure” (in this case a rectangle) needed to encompass all letters on the sign.
- Sign height is the distance between from ground level to the top of the sign structure, not including architectural features.

To: Increase the allowable sign area from 18 square feet to 120 square feet for the sign at Pine Island Road and Sunrise Boulevard.

To: Increase the allowable sign area from 18 square feet in area to 24 square feet in area for the sign at Nob Hill Road and Sunrise Boulevard.

To: Increase the allowable height of a sign from 5 feet to 13 feet for the sign at Pine Island Road and Sunrise Boulevard.

To: Increase the allowable height of a sign from 5 feet to 9.8 feet for the sign at Nob Hill Road and Sunrise Boulevard.

2) From: Section 22-20(q) which requires ground signs to be setback one-foot from the property line for each foot of sign height (the required setback shall be equal to the height).

To: Reduce the required setback from 13 feet to 12 feet for the sign at Pine Island Road and Sunrise Boulevard; and

To: Reduce the required setback from 9.8 feet to 6 feet for the sign at Nob Hill Road and Sunrise Boulevard.

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

ANALYSIS:

The Jacaranda Lakes Community has 12 residential community signs installed at various locations around the perimeter of the community plus two additional signs located at the intersections of Sunrise Boulevard and Pine Island Road and Sunrise Boulevard and Nob Hill Road. During construction of perimeter wall located along the south side of Sunrise Boulevard by the City, these latter two signs were demolished. The HOA requested approval to install replacement signs they felt would enhance the external identity and reflect the character and aesthetics of the community.

The proposed signs have a black tile background with gold letters and small brick base. The color and material of the trims and frame has not been labeled. Both signs will have “water walls” in which water will trickle down the face of the tile behind the pin mounted letters for a special visual effect. The architect has submitted a rendering for the larger of the two signs, located at Sunrise Boulevard and Broward Boulevard (Attachment B). Attachment C indicates an example of the existing community residential signs located along the main roads abutting Jacaranda Lakes.

The specialty signs differ from the existing community signs in terms of primary material (brick vs. tile), size, height, and setback. While the specialty signs contain elements of the community signs (black tile face with gold letters), a special exception is required for sign height, area, and setback.

Staff is required by the Sign Code to review the request pursuant to the Special Exception criteria located in Section 22-11 of the Land Development Code. A copy of the criteria, including both applicant and staff responses, is provided in Attachment A.

STAFF COMMENTS:

PLANNING AND ZONING:

1. The applicant did not provide sufficient information to properly identify two of the requested special exceptions. Staff has scaled the information from the drawings to calculate the sign area and determine the sign setbacks. If the special exception is approved, applicant shall submit this information to confirm the sign plans are consistent with City Council approval.
2. Please label the tile color and trim color and material on the sign elevations.

TRAFFIC CONSULTANT: No objection.

ENGINEERING DEPARTMENT: No objection.

LANDSCAPE ARCHITECTURE:

Site Plan:

1. Both monument signs lack design elements that would make them consistent with the existing monument signs at entrances in Jacaranda Lakes Community and throughout the City.
2. There is a concern that a two-foot wide maintenance access between the monument sign and the residential wall is wide enough for maintenance access. At the Pine Island wall, the plan shows these measurements from the monument wall to the center of the residential wall as two feet. The measurement from the monument wall to the face of the residential wall indicates about eighteen inches. At the south end of this monument sign, there is a column from the residential wall that extends into this space reducing maintenance access to about one and a half feet.
3. The wall materials listed in this plan are very generalized in that colors, textures, styles, etc., are not defined to give a sense as to how the signs would look or compare in context to surroundings.
4. Please indicate if the fountain equipment located behind the monument signs are to be located on a slab or foundation of some type. Please indicate dimension of slab/foundation if one is used.

Planting Plan – Pine Island Road Monument sign:

1. Please use large canopy shade tree for the back side of the residential wall where Bamboo is being proposed.
2. European Fan Palm (*Chamaerops humilis* ‘cerifera’) proposed in front of signage will attain a height of five feet to eight feet that will block the sign. Please consider the use of an alternate hedge or ground cover.
3. Please use an appropriate hedge or ground cover in front of the sign in place of the granite chips that are proposed.
4. Please be mindful of the placement of the Bismarckia palm at the north end of the sign in relation to the overhead power lines that will be adjacent to it along Sunrise Boulevard.
5. Please indicate how the area between the monument sign and residential wall will be treated as far as landscape materials. The area is not conducive to plant material and some type of mulch or other material is more suitable for this area.
6. Please remove container sized from hedge and groundcover material.
7. Tighten the spacing on all hedge and ground cover material – the tips of plant material should be touching each other (i.e. 12”x12” plants should be planted 12” on-center).

8. All landscape areas shall be provided with an automatically-operating underground irrigation system; with a minimum of 100% coverage, with 50% minimum overlap in groundcover and shrub areas. The rain sensor must be installed and operational as well as the rust inhibitor if applicable. Please submit irrigation plans at time of permitting.

Planting Plan – Nob Hill road monument sign:

1. There are existing trees behind the residential wall that will be in conflict with the Bamboo proposed on the plan. Please re-evaluate this area for the use of trees. Canopy shade trees are recommended if planting space allows for them.
2. Please indicate how the area between the monument sign and the residential wall will be treated as far as landscape materials. The area is not conducive to plant material and some type of mulch or other material is more suitable for this area.
3. Please remove container sizes from hedge and groundcover material.
4. Tighten the spacing on all hedge and ground cover material – the tips of plant material should be touching each other (i.e. 12” x 12” plants should be planted 12” on-center).
5. All landscape areas shall be provided with an automatically – operating underground irrigation system; with a minimum of 100% coverage, with 50% minimum overlap in groundcover and shrub areas. The rain sensor must be installed and operational as well as the rush inhibitor if applicable. Please submit irrigation plans at time of permitting.

BUILDING DEPARTMENT: No objection.

POLICE DEPARTMENT:

Concerns exist that the open space between the sign and the wall will provide a potential area for vandalism and criminal activity. Recommend some type of barrier or fence restricting access behind the sign.

UTILITIES: No objection to the conditional use approval; however, the following comments apply to the Site Plan:

1. Prior to a Building Permit or Business License being issued, the following must be provided:
 - Contact Danny Pollio if you have any questions, 954-797-2159.
2. Must provide receipt or check copy for \$2,000 deposit marked for Utilities Expenses to project cost recovery account.
3. Maintain all utilities and utilities easements for water and wastewater system access.
4. Hold Harmless letter must be provided to the Utilities Department stating that the HOA holds the City Harmless from any and all damages resulting from the installation, repair or maintenance of Utilities lines and facilities. Letter to be reviewed and approved by City Attorney, then recorded. All actions regarding this letter to be at the HOA’s expense.
5. Call for Utilities inspection prior to installation of footer.

Councilman Jacobs filed the appropriate Conflict of Interest forms and abstained from voting due to the fact that he is a resident of Jacaranda Lakes and is a member of the Jacaranda Homeowner’s Association.

In response to Councilwoman Uria, Mr. Lunny explained that the Sunshine Law requires each one of the Council members to vote on any matter unless you wish to abstain because of a real conflict or as Councilman Jacobs stated, there is an appearance of conflict or of impropriety. Because of his involvement in the community and

his desire to not be perceived as involved in the matter in terms of voting he has the right to abstain unless he says he is relieved of the requirement that otherwise exists to vote. With regard to the Ethics Rules, Mr. Lunny advised that the law is that Councilman Jacobs can participate but if it was Advisory Board he would not be able to participate.

Councilman Levy requested that whoever is speaking for the Homeowner's Association explain the basics of the sign and why it is being requested.

Richard Brooks, architect, was present. He was sworn and understands the proceedings. He distributed a few exhibits and provided a brief presentation. The City of Plantation and other Cities have sign criteria but they do not necessarily have signage that is designed, in the Code or criteria for major Boulevards or streets that have a lot more roadway. The site is relatively small and the sign set backs 45 feet. If traveling on Sunrise Boulevard to the City of Plantation the sign is small. The Code says the sign lettering cannot be more than 18 square feet. The proposal is for a 120-square-foot sign and when seen on the graphics and on the site, it is Mr. Brook's opinion that it is appropriate for the location. Code Section 22-43 identifies an 18-square-foot sign and the location and the staff report also addresses the sign materials and the proposed design. The design is unique as it is basically a curbed structure setting back 45 feet from the curb; it has a face, and the finish material is a deep brown stone type tile with a variegated light brown, with titanium letters. The water will be as if it was on a mirror; it is not a large fountain, it will be very subtle on the face of the wall. The wall is bermed and if measured from the back to the berm there is one dimension; however, in reality, the wall is back 23.5 feet and there is an additional six-foot ten inches to where the wall is. Mr. Brooks believes the Code itself does not address this type of sign; if it did, it would have to be commensurate with this type of roadway. With regard to height, the exhibits on the roadway and the intersection project a fair size in reality. They developed a design that the Jacaranda Homeowner's Association would believe was appropriate in terms of presence. There are no objections from Traffic, Engineering, Building and Utilities. As far as staff is concerned, Landscape Architecture and Planning comments can be addressed.

Councilman Levy noted that variances are requested for every sign. Going to 120 square feet from 18 square feet is quite a difference. The other request is to increase the allowable sign area from 18 square feet to 24 square feet in the area of Nob Hill Road and Sunrise Boulevard and the other is to increase the allowable height from 5 feet to 13 feet at Pine Island Road and Sunrise Boulevard. This is quite extraordinary considering we have never gone from an acceptable size throughout the City to a size that is humongous in retrospect. He needs an understanding because others will request signs this size. He requested clarification as to why this design is unique.

Mr. Brooks believes the design is unique because of the location. Sunrise Boulevard is a major artery and Pine Island Road is also a very busy artery. In his opinion, the signage is appropriate due to the fact that there is so much roadway and the site is relatively small.

Councilman Levy commented that there are commercial developments within the City of Plantation that also would like this type of signage and it has not been allowed.

In response to Councilman Jacobs, Mr. Brooks was not aware of the size of the previous signs in this location; however, he has been told that they were about the same size. When designing the signs they did take into account all of the other entrance signs in Jacaranda Lakes. The sign is brown because it is isolated although it has a piece of brick as a common denominator or a tie on the base. The reason they took to the color was that the Jacaranda Lakes Homeowner's Association liked it; it is a very rich, unusual material; it is a stone but it is pulverized and put together almost like a porcelain tile. It is real subtle and is beautiful; it will have water

running across the face. In responding to the Jacaranda Lakes Homeowner's Association, it was felt that something identifiable was preferred.

Councilman Jacobs stated that the type face is similar to the old Jacaranda Lakes look except for the "J".

Mayor Bendekovic recognized that an attempt was made to put brick at the bottom. She would have liked to see more brick; however, once the landscaping begins growing the brick probably would not be seen. She requested that we hear the City's position on this request. She would prefer a little more similar to what is already there at the entrance with more brick.

Mr. Brooks indicated that they would agree to keep the base flat so the brick would be seen and put the landscaping across the slope of the berm.

Councilwoman Stoner stated that the two-foot maintenance access does not appear to be sufficient and she expressed concern about the materials. She questioned the previous size.

Mr. Leeds advised that criteria used to evaluate this was adopted when the sign Code was amended back in 2004. The brick is one-foot eight inches so it will not be seen from the street and it is 40 feet from the curb. There are two issues with the crawl space. If the pump breaks down it is a very tight area to get into. The Police Department had an issue because they saw this as a CPTED as a public safety issue where someone could hide or engage in illegal activity. The space is very narrow and at some point this sign is going to need to be maintained. Mr. Leeds was not sure of the previous size of the signs; there were letters attached to the wall. The Jacaranda Lakes Homeowner's Association participated in a program where the City contributed a portion, a 50/50 program, and they built the standard City sign, which has a lot of emphasis on brick. This sign can be seen throughout the City.

Councilman Jacobs indicated that it was a separate sign with attached letters.

Councilman Levy commented the request is very different than the rest of the City. He noted that a Hold Harmless letter is very important because of utilities.

In response to Councilman Levy, Mr. Brooks stated that a Hold Harmless letter will be provided. He advised that the pump is already designed and the access they are providing is sufficient for the company to install and maintain the pump. The pump is not very large; they are not pumping a lot of water.

Councilwoman Stoner expressed concern and noted that when granite or tile is used with water the grout seems to become stained. She understands that it is the Jacaranda Homeowner's Association's responsibility to maintain it but is wondering how that will be done with the consistent water usage.

Mr. Brooks advised that it will be glazed and there will be no grout.

In response to Councilwoman Uria, Mr. Brooks stated that domestic water will be used. She questioned whether this was approved by the Jacaranda Lakes Homeowner's Association.

Mike Palmer, President of the Jacaranda Lakes Homeowner's Association was present. He was sworn and understands the proceedings. He indicated that the design for the waterfall has been put in several newsletters and there was an overwhelming response that everyone likes it; there have not been any negative comments.

There are sufficient funds in reserve to maintain the fountain and he assured that it will be maintained in its pristine condition.

Councilman Tingom referenced a waterfall at the Federal Courthouse on Broward Boulevard and to his knowledge it has never worked for any consistent period of time. He questioned whether this is the same type of pump and operational system.

Mr. Brooks advised that the correct equipment has to be specified and it has to be maintained. Many fountains are neglected; however, he does not seem a problem. The company is guaranteeing the installation and they are going to provide a maintenance program.

Councilman Levy questioned what was wrong with the brick entranceways; this Council and this City has paid half the installation of brick entranceways to signify Plantation and the developments within Plantation and it has been a very significant factor in people recognizing Plantation. He also questioned whether people were given the option of the brick entranceway and enlarging it and making it nicer versus this or were they only given this as the option.

Mr. Brooks advised that nothing is wrong with the other entrances; they are an interior identification feature to a subdivision. This is an external feature. A concept was developed and the Jacaranda Lakes Homeowner's Association stated that was exactly what they wanted although it is different from all of the other entrances, which are more interior.

Diana Alarcone, Director of the Jacaranda Lakes Homeowner's Association, was present and indicated that she was sworn in and understands the proceedings. She explained that the concept of the brick entryways has been taken at all of the entry points throughout their neighborhood. They wanted to do something very similar to the prior signage but also something that would make the neighborhood continue to stand out. They have partnered with the City throughout the past years in an attempt to keep within the concept of the City.

Councilwoman Uria commented that there are 12 other signs in the community that have the brick and have the look of Plantation. She understood that the request was because of the two intersections and they would like something a little larger and more special. She noted that West Tropical Way has the larger signs. She questioned the costs of the two signs.

Councilman Tingom stated that the entrance to East and West Tropical Way maintain the old Chicago brick and a very similar look with the light fixtures and the column ends. It is different but it maintains the same style.

Ms. Alarcone indicated that they are spending close to \$400,000 on the signs and they are well aware of the future costs of maintenance.

In response to Councilwoman Uria, Mr. Brooks advised that the fountain itself is quite small, the same as a swimming pool. The amount of water flowing is not that great; you only see a trickle of water. It will basically cost the same as a swimming pool to run. The fountain will run 24 hours per day and there will be a maintenance agreement with the manufacturer and they are already prepaying everything for a five-year term.

In response to Councilwoman Uria, Mr. Leeds did not believe the signage at Plantation Palms is as large and as tall as the proposed signage. It is larger; however, the way the sign is placed on the wall and the landscaping is different.

In response to Councilman Tingom, Mr. Leeds advised that the sign does not have the old Chicago brick.

Sheryl Melson, Vice President of the Jacaranda Lakes Homeowner's Association, questioned whether there is any other development within the City that has invested their own money to replace hundreds of street trees. They have also invested in the old Chicago brick style entrances to their streets with landscaping under the direction of a landscape designer. The landscaping was lit with state of the art lighting and hundreds of thousands of dollars have been spent trying to improve and maintain the home value for each and every homeowner that resides in their subdivision.

Hal Weiner, Board member of the Jacaranda Lakes Homeowner's Association, feels the design is fantastic.

Councilwoman Uria believes that the fountain would be very pretty at the two intersections.

Motion by Councilman Tingom, seconded by Councilwoman Uria, to approve Item No. 31, request for sign special exception for JACARANDA LAKES HOMEOWNER'S ASSOCIATION at the southwest corner of Sunrise Boulevard and Pine Island Road and at the southeast corner of Sunrise Boulevard and Nob Hill Road, subject to staff comments.

Ayes: Levy, Stoner, Tingom, Uria

Nays: None

Abstained: Jacobs

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COUNCILMEMBERS' COMMENTS

Mayor Bendekovic advised that if anyone has any comments for any departments they should contact the Department Director.

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Mayor Bendekovic made the following announcements and appointments:

- There will be a Northwest Council of Elected Officials meeting at the City of Lauderhill on Monday, April 11, 2011 at 12:00 p.m. RSVP to Susan DiLaura prior to April 6, 2011.
- The Jacaranda Country Club is having an informational meeting in the City of Plantation Council Chambers on April 6, 2011 at 7:00 p.m.
- Councilman Jacobs volunteered for the MPO appointment; the next meeting is scheduled for Thursday, May 12, 2011 at 9:00 a.m. Mayor Bendekovic volunteered as the alternate. Preferences are requested by April 13, 2011.
- Mayor Bendekovic is moving into the Broward League of Cities Board of Director position, Councilman Tingom will be the first alternate for the Broward League of Cities and Councilwoman Uria will be the second alternate.
- Appointments are needed for the Pension Boards. If there is anyone who does not want to serve, please advise. Also, please advise of any preference with regard to first and second choices.

Councilwoman Uria indicated that she has always been an advocate that no one needs to sit on the Pension Boards; either all serve on one or no one serves on any. She personally would rather not sit on the Board and would prefer to have an update every quarter as to what is going on with all of the Boards.

Mayor Bendekovic has always felt the same as Councilwoman Uria and stated that if no one serves then guidelines need to be set.

Councilman Tingom believes that having elected members sit on the Pension Boards is a minimal part of knowing where we are. It provides a significant amount of additional information and you are not the majority vote on the Board. He feels it is important that Council members serve on these Boards because it is a direct connection and as Mr. Lunny has pointed out, it is not legally a problem. He believes Council members should serve on the Boards because it is part of our responsibility.

Councilwoman Stoner understood both sides. If you choose to Workshop at some point she will follow the lead. She would like to replace Councilman Fadgen on the General Employee's Pension Board should the decision be to keep Council members on the Boards.

Councilman Levy would like to remain on the Police Pension Board should it be decided that Council members will stay on the Boards.

Mr. Lunny explained that as a trustee of one of the City's Pension Boards, your obligation is to administer the plan, administer claims to the plan, and make sure that the investments comply with the City's investment policy and that you are reviewing the Actuary's reports. It is not your duty to amend the plan. That is a sole function of the City's elected officials that do that by an ordinance. Since it is not a legal function of the trustees to amend the plan, there is no legal conflict. One of the functions of the Board that is not an essential function but is a practical function is that they make recommendations concerning improvements. Sometimes recommendations can come up that involve plan changes and some might feel it is a good idea and when it comes to Council you might change your mind. Under the current law that exists, there is no legal conflict, although there have been some times when practical issues might arise.

In response to Councilwoman Uria, Mr. Lunny indicated that you need to be cautious because the Council and Mayor have appointments to those Boards and it might be better to think about it for a couple of weeks. The way the law reads, "The Council will appoint two members, the members appoint two members and those four appoint the last one." When the Council appointed Diane Bendekovic as a member the law does not say it did that because of her office. If the Council chooses to appoint one of you there is an ordinance that says that is an ex officio part of your function. Until it is decided what is going to be done the current appointees will remain in their positions temporarily.

It was the consensus to come back with preferences on April 13, 2011.

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Mayor Bendekovic advised that her appointments will move into the Mayor's position; therefore, she will have to remove all of Rae Carole Armstrong's appointments on the Advisory Boards. She questioned whether the existing appointments should be kept until June or whether they should be transferred at this time.

Councilman Jacobs stated that he needs to review all of the Boards. He noted that some of the Boards may be eliminated and/or combined and some may be reduced in size. The management of these Boards takes a lot of staff time and energy.

Mayor Bendekovic advised that some of the Boards are mandatory.

Mr. Lunny indicated that the City Clerk's office has a chart of all of the Boards, how many people are on the Boards and their appointments. He did not believe that the Resolutions and Ordinances were necessary for discussion.

Ms. Slattery indicated that a chart is maintained for all of the appointments. Every Board, excluding Planning and Zoning and Parks and Recreation, has seven appointments; each elected official has an appointment and there is one rotating seat. There is a description of all of the Boards on the website and that can be provided.

There was a consensus to Workshop the Boards and leave everything in place at this time.

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Councilman Tingom made the following comments:

- He was very happy to see the City taking care of summer camp this summer; he believes it will be an improvement to the quality of the program.
- Relay for Life will be a week from Friday at Central Park at 6:00 p.m. He encouraged everyone to participate.

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Councilwoman Stoner thanked everyone for their support during the campaign and election.

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Councilman Jacobs thanked the voters for their support and looks forward to being on the Plantation City Council.

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In response to Councilwoman Uria, Ms. Slattery advised that everything was installed from Comcast and that AVI and Granicus may do a test this evening of the web casting. When Comcast has sound problems Granicus will use their own lines and there will not be any problems on the webcasting.

Councilwoman Uria thanked everyone for all of their support during the election.

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Mayor Bendekovic thanked everyone for their support during the election. She looks forward to serving the City; it is truly an honor.

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PUBLIC REQUESTS OF THE COUNCIL CONCERNING MUNICIPAL AFFAIRS - None.

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WORKSHOPS – None.

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Meeting adjourned at 9:57p.m.

Sharon Uria, 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 _____, 2011.

Susan Slattery, City Clerk