

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

April 27, 2011

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

1. Roll Call by City Clerk:

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

Absent: (by telephone)

Councilmember: Ron Jacobs

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2. The invocation was offered by Councilman Tingom.

The Pledge of Allegiance followed.

3. Approval of Minutes of Meeting – December 15, 2010

4. Approval of Minutes of Meeting – January 5, 2011

5. Approval of Minutes of Meeting – January 19, 2011

The minutes of the City Council meetings for December 15, 2010 and January 5, 2011 were approved as printed. The January 19, 2001 was approved with the following correction:

Page 12408 was changed to read as: *Councilwoman Uria enjoyed the South Florida Water Management District presentation.*

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ITEMS SUBMITTED BY THE MAYOR

6. Resolution of Appreciation to Paul A. Hudson for 16 years of dedicated service to the City of Plantation.

This Resolution was deferred to May 11, 2011.

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Mayor Bendekovic read a Proclamation designating May 15 – 21, 2011, as **Water Reuse Week** in the City of Plantation.

Hank Breitenkam, Utilities Director, accepted the proclamation.

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Mayor Bendekovic presented Service Awards to the following employees.

Firefighter David Radzivill	Fire Department	30 years
Firefighter Barry Stearns	Fire Department	30 years
Division Chief E. Laney Stearns, III	Fire Department	30 years
*Firefighter Michael Donovan	Fire Department	25 years
Firefighter Michael Taussig	Fire Department	25 years
Firefighter Edward Contreras	Fire Department	20 years
Battalion Chief Donald Todd, Jr.	Fire Department	20 years
Captain James Wade	Fire Department	15 years
Firefighter Herbert Bond	Fire Department	10 years
Lieutenant Evan Katz	Fire Department	10 years
Firefighter Robert Palino	Fire Department	10 years
Lieutenant Charles Bacon	Fire Department	5 years
Firefighter Guillermo Duenas	Fire Department	5 years
*Firefighter Ramonda Leonard	Fire Department	5 years
*James Curley	Utilities	5 years
*Benjamin Trapani	Parks and Recreation	5 years
Joanne Whatley	Building	5 years

* Unable to attend

Congratulations were offered.

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Mayor Bendekovic made the following announcements:

- The Mayor’s Interfaith Prayer Breakfast will be at the Renaissance Hotel on Thursday, May 5, 2011 at 7:30 a.m.
- Meet the Mayor will be held on Wednesday, May 4, 2011 at 7:30 p.m. at which time Frank DeCelles, Public Works Director, and Police Chief Harrison will be present.
- The Plantation Woman’s Club Plant Affair will be held on Saturday and Sunday, May 7 and 8, 2011 at Heritage Park.
- Webstreaming will begin on May 11, 2011.

Ms. Slattery explained that the webstreaming can be found on www.Plantation.org at the link City Government Council Agenda, then at the link that says, “Watch the City Council meetings live over the internet.” That link will show upcoming events and once you click on the date of the meeting you will be able to watch live.

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Councilwoman Uria announced that the Plantation Equestrian Foundation is sponsoring the Kentucky Derby Party at Smokey Bones on May 7, 2011 between 4:30 p.m. and 6:30 p.m. Proceeds will be split between the Plantation Equestrian Foundation and the Friends of the Horses.

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Sharon Kent, Assistant Parks and Recreation Director, announced that Summer Camp will run between June 13, 2011 and August 5, 2011.

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CONSENT AGENDA

Items No.9 and No.12 were voted on separately.

As a Commissioner of the CRA, Mayor Bendekovic has a voting privilege on Item No. 13.

Mr. Lunny read the Consent Agenda by title.

7. Request for authorization to continue participating in the Southeast Florida Co-Operative Bid (Lead Agency: City of Margate, bid #2010-012) to supply aggregates, top soil and sand from Tenex Enterprises, Inc., Austin Tupler, Inc. and Soil Tech Distributors from July 3, 2011 through July 2, 2012. (Budgeted – Utilities)
8. Request for authorization to issue a purchase order in favor of SP Kinney Engineering, Inc., the local distributor and sole source, for the purchase of additional parts to rebuild effluent strainers at the Regional Wastewater Treatment Plant in the amount of \$35,339. (Budgeted – Utilities)

Resolution No. 11236

10. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period April 7 – April 20, 2011 for the Plantation Gateway Development District.

Resolution No. 11237

11. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period April 7 – April 20, 2011 for the Plantation Midtown Development District.

Resolution No. 11238

13. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period April 7 – April 20, 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 presented. Motion carried on the following roll call vote:

Ayes: Stoner, Tingom, Jacobs, Levy, Uria

Nays: None

NOTE: Mayor Bendekovic voted affirmatively on Item No.13.

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Mr. Lunny read Item No.9.

9. Request to approve emergency purchase order to Jackson Land Development, LLC in the amount of \$53,664.36 for the emergency replacement of 545 feet of sanitary sewer force main at lift station 105. (area of the Publix/Office Max Plaza) (Budgeted – Utilities)

Councilman Levy indicated that this company was involved in a problem in North Miami Beach; a copy of the newspaper article was distributed. The company had to pay back \$1.2 million to the City of North Miami Beach because they inadvertently, according to the State Attorney, got involved in a scam that was being pulled by the Public Works Director, where he told them to put a subcontractor's name on the list and say that they were paying the subcontractor. The Director then gave the company the money and they then paid the subcontractor, who happened to be the Director's wife's firm. Millions of dollars were funneled through and the Director was found guilty of money laundering and sentenced to 12 years in jail and five years probation. Jackson Land Company returned \$1.2 million to the City of North Miami Beach. He is not in any way implying that there is a similar problem here; however, we need to be aware that they somehow got involved and never in 12 years went back to look for the work that was supposedly done by this subcontractor and then after all that time agreed to pay \$1.2 million back to the City of North Miami Beach. He would like to know what our department is doing regarding this and why we are using a company that was involved in such a scam.

Mr. Breitenkam advised that he has been doing work with W. Jackson & Sons prior to it being Jackson Land Development. The business does stellar work, especially in emergency situations. He personally oversaw this project because it has been problematic for a while and the work that was done as far as the boring of the six-inch polyethylene porcelain was actually installed.

Councilman Levy noticed that a number of subcontractors were being paid by them and questioned whether Mr. Breitenkam personally or anyone from Utilities has checked to see that these are real companies doing the actual work.

Mr. Breitenkam knows that Ditch Diggers, Inc., who actually did the boring, was on the job site. He would have to check with the Secretary of State as far as who the owner of the company is. The workers were actually on the job. The price received for installing the pipe was fantastic.

Councilman Levy has the actual plea deal where it states they were giving back \$1.2 million to the City of North Miami Beach. He questioned whether this has been discussed with them prior to keeping them on the payroll.

Mr. Breitenkam stated that he has not personally discussed the situation with them.

Councilman Levy suggested that the situation be discussed prior to giving them any further checks and get some assurance that something like that will not happen again. We need checks and balances so we know that something that went on for 12 years in North Miami Beach can never happen here. He provided the article and backup to Mr. Breitenkam.

Mr. Breitenkam advised that he could provide documentation to that affect. He reiterated that the work they have done for our City was done in a very professional manner and is well worth it. In the interim if there is an emergency situation they are our forced labor contractor and he would like to be able to call on them if necessary because they can respond with the whereathall that is needed for such a situation.

Councilman Levy questioned whether we can get some type of assurance from them regarding this case; something that will give us a sense of comfort in using them again at your recommendation.

Mr. Breitenkam indicated that he would have the information tomorrow and distributed by Friday.

Councilwoman Stoner questioned whether this is a separate contract and not a piggyback.

Mr. Breitenkam advised that the force labor contract is with the City of Sunrise; we are piggybacking.

Councilwoman Stoner is not fond of piggybacking for a variety of reasons. She stated that a 20% mark up on their subcontractors is not the norm for governmental entities that she has found in Broward County and in her opinion, it is excessive. This contract may only be \$53,000; however, 5% is 5%. What she has found as the norm mark up for the last few years has been 15% and then you have to have a tremendous amount of back up to document that and now the County is even going less with their allowable mark up. Piggybacking does not mean that you are necessarily getting the best value to date for the services.

Mr. Breitenkam reiterated that W. Jackson & Sons performs very well.

Mr. Lunny stated that the legal obligation and performance has been incurred. When reviewing the Weekly Bill List, many of these bills have already been paid. The Council's function is a check and balance and to do exactly what was done in terms of advice to Department Heads to explore things further. When approving the Weekly Bill List it is being approved from a management perspective, not necessarily stating that you are paying these bills.

Motion by Councilman Levy, seconded by Councilwoman Uria, to pay Jackson Land Development LLC because they have done the work and as long as the background of companies is checked in the future, prior to payment. Motion carried on the following roll call vote:

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

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Mr. Lunny read Item No.12.

Resolution No. 11239

12. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period April 7 – April 20, 2011.

Councilwoman Uria questioned Page 39; \$25,000 to Publix Supermarket.

Mr. Herriman advised that \$25,000 was the amount refunded to Publix for the road improvement that occurred. A deposit was made and the construction came in less; therefore, they were refunded for that balance.

Motion by Councilman Tingom, seconded by Councilwoman Uria, to approve Resolution No. 11239. Motion carried on the following roll call vote:

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

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ADMINISTRATIVE ITEMS – None.

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LEGISLATIVE ITEMS – None.

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QUASI-JUDICIAL ITEMS

Mr. Lunny read Item No.14.

14. CONSIDERATION OF REQUEST FOR SITE PLAN, ELEVATION AND LANDSCAPE PLAN APPROVAL FOR AMICUS MSO MEDICAL OFFICE BUILDING. PROPERTY LOCATED AT 480 NORTH STATE ROAD 7 AND ZONED SPI-2. (PLANTATION GATEWAY)

Planning and Zoning staff comments follow:

REQUEST: Consideration of a request for site plan, elevation, and landscape plan approval to construct a 5,056-square-foot medical office building.

WAIVER REQUESTS:

1. From Section 13-40(b)(c)(5)(f), which requires one interior landscape island for every seven parking spaces. Large shade trees shall be installed in each landscape island.
To eliminate one required island along the southern parking area adjacent to the building.
To eliminate one required tree in the island along the southern parking area adjacent to the building.
2. From Section 13-41(a)(b)(c), which requires landscape pedestrian zones (lpz) to 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;
To reduce the required lpz from 10' to 5' along the northern façade.
To reduce the required lpz from 10' to 5' along the southern façade.
To reduce the required lpz from 10' to 5' along the eastern façade.
3. From Section 27-613(b), which requires the Plantation Tropical design theme for buildings and building sites in the SPI-2 zoning district;
To allow a contemporary building design.
4. From Section 27-742(1), which requires a 9' parking stall width;
To reduce nine spaces along south property line to 8'6" in width.
5. From Section 27-613.4(a), which requires 30% minimum open space;
To reduce the required open space to 24%.

EXHIBITS TO BE INCLUDED: Planning and Zoning Division report; subject site map; site plan application; Planning and Zoning board meeting minutes of March 1, 2011; Landscape Planning Review Board meeting minutes of February 28, 2011; Advisory Board for the Disabled meeting minutes of February 28, 2011; and Review Committee minutes of January 25, 2011.

PLANNING AND ZONING BOARD RECOMMENDATION: APPROVAL subject to staff comments (6/0; March 1, 2011).

LANDSCAPE PLANNING AND REVIEW BOARD: APPROVAL subject to staff comments (7/0; February 28, 2011).

ADVISORY BOARD FOR THE DISABLED; APPROVAL subject to staff comments (7/0; February 28, 2011).

REVIEW COMMITTEE RECOMMENDATION: APPROVAL subject to staff comments (9/0; January 25, 2011).

ANALYSIS:

The subject site is located on the southeast corner of State Road 7 and NW 5th Street. The site is bound by commercial uses to the north, south, and west, together with single family residential uses in the City of Fort Lauderdale to the east.

The applicant proposes demolition of the existing building and construction of a 5,056-square-foot medical office. The building has a contemporary design with stucco finishes and aluminum details. The parking lot and landscape areas are being renovated. Twenty-nine (29) parking spaces are being provided with 29 parking spaces required after utilizing the 15% parking reduction allowed pursuant to Section 27-613A(2).

STAFF COMMENTS:

PLANNING AND ZONING:

Planning: No comments.

Zoning:

1. The building design is contemporary and does not include required elements of the Plantation Tropical design guidelines which require the design of buildings to emphasize a blend of traditional colonial architectural elements influenced by the tropical climate of the area. *A waiver request has been submitted.*
2. The required or provided parking space width shall be a minimum of nine feet in width for 90-degree parking. Along the south property line, nine parking spaces have been reduced from 9 feet to 8.5 feet in width. *A waiver request has been submitted.*
3. Section 27-613.4(a) requires a minimum open space of 30%, 24% or 6,385 square feet is being provided. *A waiver request has been submitted.*
4. Indicate the height of the chain line fence surrounding the property on sheet A100DRC.
5. Please note: offices for doctors, dentists, and related professionals are a permitted use in the SPI-2 (AM) district. A change of use to medical clinic, ambulatory care, or urgent care would require Conditional Use approval.

TRAFFIC CONSULTANT: No comments.

ENGINEERING DEPARTMENT:

Site Plan Comments:

1. Please include a dimension on the site plan demonstrating the “clear” pavement width (account for the proposed dumpster rolling gate assembly) for the east access point. The dimension must reflect a clear width no less than 24 feet. Make sure certain pavement markings are properly established to define uniform lane widths.

Permit Comments:

1. An erosion and sedimentation control plan will be required.
2. A demo plan and permit will be required with a building permit.
3. A Maintenance of Traffic (MOT) plan will be required. Please meet with Engineering to discuss.
4. Please provide drainage calculations, signed and sealed by a professional engineer, registered in the State of Florida, as well as approval from Department of Planning and Environmental Protection and/or SFWMD.

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. Surface water management permit(s) through Department of Planning and Environmental Protection and/or SFWMD may be required and a copy(s) provided to the Engineering Department at the time of permit review. The applicant will be required to execute a developer agreement and post security for all engineering and landscape related improvements at the time of permitting.

LANDSCAPE ARCHITECTURE:

If you would like the comments forwarded to you via e-mail, please call our administrative secretary Sue Reed at 954-797-2246 or email her at Sreed@plantation.org.

Site Plan:

1. Terminal islands are to be a minimum of 10’ wide inside curb to inside curb. Terminal island on the southwest side of the building does not meet code nor does the terminal island on the southeast corner of the building. *Waiver requested.*
2. City code 13-41(b) requires landscape pedestrian zones (lpz) to extend the full width of each façade abutting a parking or vehicular use area; the minimum width shall be half the height of the proposed building (paved areas on the lpz may not constitute more than 5’ of the required lpz).
 - a. 10’ lpz required along the northern façade – 5’ provided.
 - b. 10’ lpz required along the eastern façade – 5’ provided.
 - c. 10’ lpz required along the southern façade – 5’ provided.*Waive requested.*

Planting Plan:

1. Please use caliper in lieu of DBH or caliper at breast height.
2. Please include a circle on the landscape plans for the planting of Gumbo Limbo trees along the southern perimeter.
3. Under Note 15 – please include note that an ISA certified arborist will prune trees according to City codes and ANSI A300 Standards.
4. The existing Oak in the island at the southeast corner of the building should be removed and replaced – this tree has a considerable amount of structural damage.
5. Oaks proposed for removal along the eastern perimeter must be mitigated for as perimeter trees are required.
6. Please clarify where you are proposing the planting of one Live Oak (QV).

BUILDING DEPARTMENT: No objection.

FIRE DEPARTMENT: No objection to this site plan request.

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

PUBLIC WORKS: No comments.

RECREATION DEPARTMENT: No objection.

UTILITIES: Not in Plantation service area. Contact Broward County Utilities.

O.P.W.C.D.: No comments.

WASTE MANAGEMENT: No comments.

Julie Schiff, architect and planner for the project, was present. She provided a brief overview of the project. The applicant purchased the approximately half acre site with an abandoned used auto mall, which is on the east side of State Road 7, just across from the hospital entrance road. The owner is proposing to demolish the existing dilapidated building and replace it with a new one-story medical office building with green and efficient building features to take advantage of natural light and use minimum electricity. The location for the applicant will be one of four office buildings located in South Florida, which are owned and managed by David Rodriguez. This new facility will be a primary care practice for three to four physicians including a part-time podiatrist and it is affiliated with the Humana Group. It is a for profit practice that will enhance the tax roll of the City. The existing building to be demolished is the old Payless Auto Mall. Prior to the demolition, the Plantation Fire Department will be using the site for training development purposes for a couple of weeks. As mentioned, the site is located within the Plantation Gateway District and has been designed to provide 29 parking spaces and pedestrian access from public transportation. Extensive landscaping is provided to compliment the redevelopment district. They have taken particular care to preserve the many existing mature shade trees and the landscape architect, Alan Hendricks, has designed a site that will enhance the building with the addition of native plants and tropical landscaping. She pointed out that all of the large mature trees are existing and they have taken care to preserve one very large shade tree by creating a meandering walkway. The design is for a 5,056-square-foot building and it is a modern design with concrete block construction, a stucco finish and aluminum details. The proposed building colors are mannequin cream and sage and those colors are within the Plantation Tropical guidelines. The proposed entry feature faces the public right-of-way and is well defined and readily visible to both pedestrians and vehicular traffic traveling either north or southbound on State Road 7. Decorative brick pavers have been provided at the covered front entry and for the pedestrian walkways. The building design is oriented on the site to provide maximum daylight and views to the outside while simultaneously conducting patient and doctor view. There are many skylights on the roof and they are placed along the interior corridors with interior transom windows so that daylight can be brought into exam rooms as well as into any interior rooms. The saw tooth design is in the front and is designed to be office space, which will allow them to maximize the northern ambient light without having to cover the windows with window coverings; in essence, the building shades itself.

In response to Councilwoman Uria, Ms. Schiff advised that this is the fourth building in South Florida. It is a prototype design for the facility.

In response to Councilman Levy, Ms. Schiff indicated that all of the buildings are similar in architecture, although, not the same.

Councilwoman Stoner questioned what years the other buildings were built and what LEED guidelines were incorporated. She also questioned whether the other buildings are in the LEED category and how they are performing.

Ms. Shiff did not know when the other buildings were built. She is a LEED certified architect and they are using green principles; however, the building will not be LEED certified. The use of natural daylight has been incorporated, there will be automatic sensors in the patient exam rooms to conserve electricity and there will be access to public transportation. Lighting will be incorporated along with native landscaping. The other buildings are not in the LEED category. This will be the first freestanding building and they are repurposing the building, which will garner many LEED points for innovation and design. Prior to demolishing the building the site will be used for training development purposes by the Fire Department. Pending approval of the Council, the next phase will be construction documents. During development of the construction documents they will be seeking as many local and regional materials as possible; it is going to be concrete block and stucco, which is a material that can be found locally in South Florida.

In response to Councilwoman Stoner, Ms. Shiff advised that there is an existing chain link fence on the east of the property and a picket fence on the north of the property that varies in height as it gets closer to State Road 7. The finished product will include the existing fence. It is their belief that the proposed medical office building will be an enhancement to the redevelopment corridor along State Road 7 and still meet their clients' particular needs. They have made sincere effort to respect the Zoning Code and have received approval from the Planning and Zoning Board, the Advisory Board for the Disabled and from the Landscape Planning and Review Board. Due to the significant and unique needs of the medical office requirements they are requesting a waiver from the remainder of the Tropical Design guidelines. They have worked closely with Planning and Zoning staff and the Director and they fully support the project as submitted with the conditions of approval as noted. They requested that Council grant their waiver to permit them to develop the modern, energy efficient building filled with natural light complimented by native and tropical landscaping, which will serve both the public and private needs of the patients.

Mr. Leeds indicated that Planning and Zoning staff supports the project and the waivers. The ordinance gives Council the ability to waive all or part of the Plantation Tropical requirements. In looking at surrounding buildings, he believes that although the building does not have the traditional colonial or tropical design, it still fits in with the immediate area; therefore, he recommends waiving that requirement. He also recommended a waiver of the parking requirement; it is not a reduction in the number of spaces; some of the spaces will be 8 ½ wide instead of 9 feet wide. Sometimes compromises have to be made between landscaping and parking and they want to be sure there is enough parking.

Mayor Bendekovic thanked Mr. Rodriguez for investing in the Plantation Gateway corridor.

Motion by Councilman Tingom, seconded by Councilman Levy, to approve Item No. 14 with the waivers and subject to staff comments. Motion carried on the following roll call vote:

Ayes: Stoner, Tingom, Jacobs, Levy, Uria

Nays: None

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COUNCILMEMBERS' COMMENTS

Mayor Bendekovic requested a motion for the approval of Board of Trustee members; Councilman Levy and Councilwoman Uria on the Police Retirement Board, Councilwoman Stoner and Councilman Tingom on the General Employee's Retirement Board and Mayor Bendekovic and Councilman Jacobs on the Firefighter's Retirement Board.

Motion by Councilman Tingom, seconded by Councilwoman Uria, to approve the Board of Trustee members as stated. Motion carried on the following roll call vote:

Ayes: Stoner, Tingom, Jacobs, Levy, Uria

Nays: None

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Mayor Bendekovic wished everyone a Happy Mother's Day. She reminded everyone about the Meet the Mayor on Wednesday, May 4, 2011.

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In response to Councilwoman Uria, Mayor Bendekovic sent an email to the representatives to the Jacaranda community giving them a choice of three dates to meet; May 5, May 12, or May 13, 2011. She will report back to Council once a date is selected.

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PUBLIC REQUESTS OF THE COUNCIL CONCERNING MUNICIPAL AFFAIRS

Arif Shad, resident, thanked Councilman Levy for bringing up the contractor's information in the beginning of the meeting. He recognized Chief Harrison and the Police Department and thanked everyone for the job they are doing.

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Dennis Conklin, resident, made the following comments:

- He complimented Council on the Budget Workshop. He liked the time the meeting was held and heard several encouraging comments. There are many things that Council has no control over; however, there is a great deal Council does have control over. He encouraged Council not to spend the \$163 million.
- He was happy to hear comments about the Green amendment and withdrawal from the United Nations organization.
- Several months ago he noted that both of our hospitals, Plantation General and Westside Medical Center, were involved with the SEIU Union and apparently both hospitals are now organized.
- Congressman Lieutenant Alan West held a Town Hall meeting last night at Calvary Chapel in Fort Lauderdale and it was phenomenal.
- Happy Mother's Day to all.

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Mr. Keefe clarified that during the Budget Workshop he mentioned a \$5 million plus shortfall and noted that he was referring to the General Fund, which is about 7.5%. He was not referring to the overall fund, which is all of the Enterprise Funds, which would be \$163 million.

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WORKSHOPS – None.

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Meeting adjourned at 8:48 p.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