

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

July 11, 2012

The meeting was called to order by Councilman Robert A. Levy, Pro Tem President of the City Council.

1. Roll Call by City Clerk:

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

Absent:

Councilmember	Peter S. Tingom
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2. The invocation was offered by Mayor Bendekovic.

The Pledge of Allegiance followed.

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3. Approval of Minutes of Meeting – October 12, 2011

4. Approval of Minutes of Meeting – December 14, 2011

The Minutes of the City Council meetings of October 12 and December 14, 2011 were approved as presented.

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ITEMS SUBMITTED BY THE MAYOR

Mayor Bendekovic made the following comments:

- Plantation Farmer's Market is every Saturday between 8:00 a.m. and 2:00 p.m. at Volunteer Park.
- University Drive at I-595 and State Road 84 will be closed for approximately 24 hours on July 14, 2012; this was rescheduled from July 7, 2012. Traffic will be directed away from that area. Also, the eastbound I-595 flyover will be closed for 120 days. Eastbound I-595 will have to be entered via State Road 84.

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

- He thanked everyone for celebrating the 4th of July event; we had a wonderful turnout.
- The Daddy Daughter Sock Hop will be on Friday, July 13, 2012 between 7:00 p.m. and 9:30 p.m. at Volunteer Park.
- The week long event of the USTA Girls 14th National Clay Court Championships will begin this Sunday, July 15, 2012 at the Frank Veltri Tennis Center. The Championship event will take place on Friday, July 20, 2012 at 10:00 a.m. at the Championship court.
- The Florida Gold Coast 14 and Under Junior Olympic Swim Meet will be held at the Aquatic Complex on Friday, July 20, 2012 through Sunday, July 22, 2012.
- The South Florida PGA Junior Tour will be held on Tuesday, July 24, 2012 and Wednesday, July 25, 2012. The Golf Course will be closed on those two days to host this Junior Tournament.

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CONSENT AGENDA

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

Item No. 6 was removed from the Consent Agenda.

Mr. Lunny read the Consent Agenda by title.

5. Permission for Jacaranda Bar & Grill located at 8283 West Broward Boulevard in conjunction with the Jim Jensen 11 Foundation to have a fundraising event on Sunday, July 29, 2012 from 1:00 p.m. until 6:00 p.m.
7. Request for authorization of Change Order No. 1 with Vision Enviro Services LLC in the amount of \$8,000 for additional work required to finish the pressure filter rehab project at the Regional Wastewater Treatment Plant. (Budgeted – Utilities)
8. Request for authorization to continue purchasing calcium hypochlorite (HTH) from Allied Universal, Inc., using the City of Plantation publicly advertised RFP #038-11, through October 19, 2013 at a cost of \$124.00/per 100/lb container. (Budgeted – Utilities)
9. Request for authorization to continue purchasing liquid ferric sulfate from Kemira Water Solutions, Inc., using the City of Plantation publicly advertised RFP#017-10, through September 28, 2013 at a cost of \$0.9107 per gallon. (Budgeted – Utilities)
10. Request for authorization to continue purchasing sodium hypochlorite (chlorine bleach) from Odyssey Manufacturing Co. using the City of Plantation publicly advertised RFP #038-11, through October 19, 2013 at a cost of \$0.682 per gallon for split or full-tanker load. (Budgeted – Utilities)
11. Request for authorization to exercise the first of two (2) one-year (1)-year renewal options with Pace Analytical Services Inc. contract for Laboratory Testing Services. (Budgeted – Utilities)

Resolution No. 11520

12. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period June 21 – July 4, 2012 for the Plantation Gateway Development District.

Resolution No. 11521

13. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period June 21 – July 4, 2012 for the Plantation Midtown Development District.

Resolution No. 11522

14. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period June 21 – July 4, 2012.

Resolution No. 11523

15. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period June 21 – July 4, 2012 for the City of Plantation’s Community Redevelopment Agency.

Motion by Councilwoman Moody, seconded by Councilman Jacobs, to approve tonight’s consent agenda as printed. Motion carried on the following roll call vote:

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

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

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ADMINISTRATIVE ITEMS – None.

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LEGISLATIVE ITEMS

Mr. Lunny read Item No. 16.

16. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE RELATING TO THE POLICE OFFICER’S RETIREMENT SYSTEM, AMENDING SECTION 18-65(6) TO UPDATE THE MANNER IN WHICH A POLICE OFFICER MAY CHANGE HIS OR HER JOINT AND SURVIVOR BENEFICIARY TO COMPLY WITH STATE LAW; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

A memorandum dated June 13, 2012, to Susan Slattery, City Clerk, from Liz Andrews, Police Plan Administrator, follows:

Enclosed please find a proposed ordinance amending Section 18-65(6) to update the manner in which a Police Officer may change his or her joint and survivor beneficiary to comply with State Law, providing for codification, providing for severability and providing an effective date.

Also included is a letter from Gabriel Roeder & Smith stating the change will not have an actuarial impact on the plan and a procedure form showing the history of the proposed ordinance.

Please advise once this proposed ordinance has gone before the City Council for the first reading in order to send the ordinance and Impact Statement to the State Actuary and Patricia Shoemaker before the second reading.

Thank you.

Motion by Councilman Jacobs, seconded by Councilwoman Moody, to approve Item No. 16. Motion carried on the following roll call vote:

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

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QUASI-JUDICIAL CONSENT AGENDA – None.

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QUASI-JUDICIAL ITEMS:

Mr. Lunny read Item No. 17.

17. REQUEST TO APPROVE PARKING WAIVER FOR WEST BROWARD CLUB, INC., LOCATED AT 8200 WEST SUNRISE BOULEVARD.

A Staff Report dated July 11, 2012, to the City Council, from the Planning, Zoning and Economic Development Department, follows:

WAIVER REQUEST: To allow a 31% reduction in required parking (188 spaces required, 130 spaces provided) to allow assembly room use in an existing medical/dental office condominium building.

EXHIBITS TO BE INCLUDED: Exhibits include staff report, location map, application, attendance vehicle count prepared by WBC officers, Condominium Association letter and hard copy of WBC website.

ANALYSIS:

The subject property is located on the south side of Sunrise Boulevard directly west of the Bank of America office building. West Broward Club recently purchased one of four 6,000-square-foot buildings in the office condominium complex (having an overall square footage of 24,000 square feet). The complex was approved by City Council for medical/dental office use in 1977.

The West Broward Club (WBC) submitted a Business License application in October 2011. The application included a use letter describing the use as “supporting various groups throughout Broward County” and did not

indicate that the building would be used primarily as an assembly or meeting facility. Zoning staff inspected the property in October 2011 and found the WBC facility constructed as typical office space. Based on October 2011 use letter and zoning inspection, WBC, together with the rest of the complex, complied with City parking requirements.

In May 2012, WBC submitted building permit applications to build out 3,000 square feet of their 6,000-square-foot office space for assembly/meeting room areas. The new floor plan constitutes a significant change from the use letter submitted in October 2011 and increases the required parking from 130 spaces to 188 spaces for the overall site. The parking requirement for assembly use is approximately four times that required for medical/dental office use, thus resulting in the 58 space increase in required parking.

WBC submitted a parking waiver application on June 19, 2012, requesting a 31% reduction in required parking from 188 to 130 parking spaces. WBC Officers also submitted an "Attendance Vehicle Count" of the existing WBC facility located in the Stiles Shopping Center.

While mailed notice is not generally required for parking waivers, staff provided notice to adjacent property owners and on-site office condominium owners based on the following:

- a. Size of the parking waiver (31%).
- b. Proximity to existing residential (Parc Village), and
- c. The proposed use is located in an office condominium with all unit owners using a shared parking area.

STAFF COMMENTS:

PLANNING AND ZONING:

1. Staff cannot offer a parking recommendation until Traffic (Engineering) comments have been addressed.
2. Prior to issuance of a certificate of occupancy, applicant shall provide a sealed photometric plan confirming that the exterior lighting meets Section 27-750(2), "Lighting of Parking Facilities". This is highly recommended since some meetings take place after 9:00 p.m.

TRAFFIC CONSULTANT: See Engineering Department comments.

ENGINEERING DEPARTMENT:

1. The letter dated June 19, 2012 in the submittal package states there are 131 parking spaces. Per a field visit on June 22, 2012, there are actually 128 spaces.
2. The parking area shows three (3) disabled spaces located near the entrance(s) to the building that do not meet the standard. Based on the 128 spaces there are required to be five (5) disabled parking spaces (one disabled space per 25 regular spaces).
3. The attendance vehicle count submitted is not acceptable. A parking analysis shall be prepared and signed and sealed by a traffic engineer, registered in the State of Florida. Since the current West Broward Club is located at a different facility, both locations will need to be counted. The analysis shall be done from 6:45 a.m. to 10:45 p.m. at the current location and from 8:00 a.m. to 7:00 p.m. at the proposed location, in 30-minute increments. These counts are to be conducted on a Tuesday, Wednesday, and Thursday.
4. In lieu of the required parking study, an official, completed and signed shared parking agreement (by both property owners) with Bank of America may be supplied.

5. Per the field visit on June 22, 2012, the site needs work:
- a. The markings in the parking lot are faded or missing.
 - b. There are missing and faded signs.
 - c. There are pot holes throughout the parking area and drive aisles.
 - d. There are broken curbs and wheel stops.
 - e. There have been curb repairs done without permits.
 - f. There are areas of ponding that do not flow to the catch basins.

These items will need to be repaired with an Engineering permit prior to final approval of the Building permit for interior alterations.

Permit Comments (required at time of submittal for permitting)

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. Provide an erosion and sedimentation control plan and an FDEP approved Notice of Intent (NOI), if applicable.
2. Please provide an MOT for all phases of the project, prepared by a person certified to prepare the plans.

DESIGN, LANDSCAPE & CONSTRUCTION MANAGEMENT:

Staff has no objection to the requested parking waiver. An inspection of the property indicates some landscape areas have not been adequately maintained (please see below). Staff recommends the applicant commit to correct outstanding landscape code deficiencies by a "date certain".

1. Please replace all missing, dead, and/or declining plant material including but not limited to trees, palms, hedge, ground cover, sod throughout the site as per City Council approved landscape plans.
2. Three inches (3") of clean mulch shall be installed around each tree and throughout planting beds; mulch shall be kept three inches away from the trunks and stems of plants. Please do not use Cypress or red mulch.
3. 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 operations as well as the rush inhibitor if applicable.
4. Staff would like to work with the property owner to resolve these issues; please contact Diana Berchielli at 954-797-2248 for an on-site meeting to discuss this matter.

Don Maines, representative, was present on behalf of the applicant.

Mr. Maines indicated that he attended the City Council meeting last month regarding parking for the West Broward Club, Inc., which is a non-profit organization. Two days after that meeting he received a call from Mr. Leeds, who stated that there was a mistake in his calculation about the parking; that we did meet the parking requirements. There were more than enough parking spaces and as noted, there is very little use during the daytime hours and at night time there were 30 to 35 vehicles. They purchased this as a foreclosure facility and the bank gave them money for improvements. With regard to moving in, the thought is why would they move in without improving the property and giving the money back to the bank? They joined the Association of this

facility and have shown them what needs to be done. The property will be brought up to par after they move in. Some of the walls need to be moved around in order to make it more accommodating for people coming into the building. As far as parking, they do not have any issues.

Mr. Leeds advised that he never told Mr. Maines that there was enough parking. There is a 31% shortfall and it is up to the Council to decide how to handle it. Mr. Leeds did have a conversation with Joyce Julian and she was told that the numbers were checked and the original waiver was 34% but after checking her numbers it became 31%.

In response to Councilman Levy, Mr. Leeds clarified that he does not have a problem with Council discussing this. His function, along with the City Engineer, is to provide a professional recommendation. The City Engineer has requested a relatively simple parking study and Zoning has indicated that a determination cannot be made without Engineering's comments being addressed. They have also requested, so this project is not held up prior to issuance of a CO, the applicant shall provide a sealed photometric plan confirming that exterior lighting meets a section of the City Code. This is because the facility will be holding meetings until 10:30 p.m. to 11:00 p.m. and they want to be sure that it is safe.

Joyce Julian was present. She physically went out and counted how many cars are utilized at their current club and believes that this organization has been a non-profit in the City of Plantation for approximately 30 years. They left Plantation for a very short period of time and have been back for almost 30 years. There is one period at night where two meetings collide at which time there are about 60 or so cars in use. None of the other offices are open and she believes that the parking lot has capacity for about 130 to 131 cars. She physically counted 131 spaces but Mr. Leeds told her it was off. She stated that they are requesting two nights a week, for about an hour, that they are over the amount of cars that they are allowed to have at any other given time. She has counted the cars and signed the documentation. They have no issue whatsoever of what they are allowed, given the square footage that they have. If this cannot get rectified they are giving up about \$100,000 of bank money to improve this property to clean it up because it was a foreclosure because they are not going to give it to them if they do not have permits in order to do what needs to be done. At some point it is going to break this organization by not being able to do some minimal changes, move in and exist. She is on the new doctor's Board along with six or seven others. Since the West Broward Club got involved they have had the doctors actually show up for meetings about their property on a monthly basis and a lot has started to get cleaned up because they have had to show up. They would like to be able to enjoy this property, she believes it is a benefit for the City; however, they need Council's help to try to get in and move it along. They do not have the money for studies and other things and if they do not get in they are going to be in the street because the other shopping center is closing.

In response to Councilman Jacobs, Mr. Maines advised that he has all of the comments. He stated that at the last Council meeting when the parking count was discussed it was agreed that this would be kept simple, that someone needed to count the cars and that a Traffic Engineering Study was not needed. He emphasized that this is a non-profit business. As far as dead trees and bushes, faded parking stripes, etc., these are things to be taken under consideration by the entire Association; it is not something they should have to take care of.

Councilman Jacobs indicated that comment #1 stated that there are 128 parking spaces.

Ms. Julian stated that the original survey was 119 and when she physically counted it she counted 131 parking spaces.

In response to Councilman Jacobs, Ms. Julian advised that it is her understanding that the three existing disabled parking spaces located near the entrances to the building have always been the way they are.

Mr. Maines commented that the spaces were approved and that is what exists in the parking lot.

In response to Councilman Jacobs, Mr. Butler commented that the statement that five disabled parking spaces are required based on 128 parking spaces; one disabled space per 25 regular spaces, is valid. Council does not have an opportunity to waive that requirement.

Councilman Jacobs reiterated that five disabled parking spaces must be provided regardless of whether there are currently five or not at this time. He mentioned the comment that the attendance vehicle count submitted is not acceptable; a parking analysis shall be prepared, signed and sealed by Traffic Engineer registered with the State. The applicant stated that the study is expensive and that they would request a waiver from that study. The Council can do this.

Mr. Maines advised that the study was waived at the last meeting.

Councilman Jacobs did not recall waiving the study. He stated that the Council cannot act unless the item is in front of them. Perhaps some Council members said that it would be waived but he did not believe there was a motion that carried.

Ms. Julian stated that when she spoke with Mr. Leeds a physical count was needed, which is exactly what she did.

Councilman Jacobs noted that a physical count is not a traffic study.

Mr. Maines commented that the Mayor was the one who lobbied the Council as far as waiving the traffic study.

In response to Councilman Jacobs, Mr. Butler explained that the Engineering staff is not aware of any formal decision made by this Council to waive a parking study; that is why the comment exists in the staff report. This type of issue can be considered by the Council and if they choose to waive it they may do so. He would counsel them against it as it would set a difficult precedent for staff to do its job. Any other type of application of this sort that has come before this body that has required a parking study and they have performed one. If the applicant is confident in their own numbers then an objection study prepared as they would request it to be done should certainly validate that and they can certainly support that. That would be staff's position but he will respect Council's wish if they wish to deviate.

Councilman Jacobs indicated that studies can be large or small. He questioned if something could be done to amend the study.

Mr. Butler advised that they were very detailed in their comments and provided minimal requirements. They did that purposely to try to keep it to a minimum. They also offered, in comment #4, an alternative to the study if the applicant wished not to do that they thought there might be another solution as a shared parking agreement, which are used routinely.

Councilman Jacobs referenced the shared parking and noted that it would require a legal document be drafted between two parties; the bank and the applicant.

Mr. Butler stated that these have been used in the past. He is suggesting that this is another alternative that has been used in the past. They are not saying this has to be done; it is just another approach.

Councilman Jacobs referenced comment #5; per the field visit, the site needs some work.

With regard to A, markings in the parking lot are faded or missing. Mr. Maines advised that is part of the Association and is not something they have to do themselves.

Mr. Lunny advised that the Council has the authority, if they wish, to require the applicant to make the necessary repairs. They may not have the legal ability to make the repairs if the Association is the owner of the property. Council also has the authority not to require them to make the repairs. He commented that this item first appeared before Council under Comments from the Public; it was not advertised but there was some discussion and direction given at the time but that would not constitute a waiver of any standard of the City, which you would not be able to do until it is properly advertised and before Council. The Council has the ability to waive it, reduce it, or require some sort of practical observation study; all those options are before you.

Councilman Jacobs referenced B, which is similar because of missing and faded signs, and noted that the applicant's response would be that it is up to the Association. There are potholes throughout the parking area and drive aisles and the same thing would be said.

Ms. Julian agreed and Mr. Maines stated that is the way they feel.

Councilman Jacobs mentioned that there are broken curbs and wheel stops; curb repairs have been done without permits.

In response to Councilman Jacobs, Mr. Maines indicated that this is an office condominium.

Mr. Lunny commented that it sounds like this was approved initially and perhaps striped and blacktopped again without permits if the spaces are out of dimension and the applicant may not have any knowledge of this.

Mayor Bendekovic believed that the Association should have been dealing with Code Enforcement.

Mr. Maines stated if the markings are faded that is nothing they could have done because that would have been a long time ago.

Councilman Jacobs indicated that the concern is not with fault; the concern is with safety and with the property being up to the standards that it needs to be brought up to. In his mind, he cannot approve anything when there are these kinds of deficiencies. The question is how do we get these deficiencies addressed; not necessarily by you paying for them but they need to be addressed.

Councilperson Stoner advised that the Mayor is right in her observation that these items should have been addressed continually through the Code Enforcement process and she believes these are a requirement of the Association. She thinks that Code Enforcement should issue paperwork stating that this does not comply and have them comply within a certain time but that does not take away your ability as an individual unit owner to do so. She questioned why we decided that 128 parking spaces were not enough and that we need to go to Bank America for a parking agreement.

Mr. Butler stated that the Engineering Department's disposition is not to make judgments on what is sufficient parking; that is the Planning Department's option, but Engineering reacts to that and that is where the staff comments from Engineering come in. He indicated that comment #4 was a suggestion; it is not a requirement.

They thought they were being helpful if the applicant did not seem to want to do a study that a shared parking agreement might resolve an issue that could be a deficiency.

In response to Councilperson Stoner, Mr. Butler commented that the cost of a parking study can vary upon complexity. This is a minimal study and he would like to think that a firm would do this for \$1,000 to \$1,500.

Councilperson Stoner mentioned that there is a common sense element that does not seem to appear. If it is a minimal study, what is not being shown?

Mr. Butler indicated that the disposition of staff is that we look for our studies to be objective and done by a licensed professional. Staff cannot necessarily rely upon applicant's numbers because there could be error in it; therefore, we choose to manage things very objectively and getting a traffic study done by an objective third party is the best way to do so. He understands that there is a cost incurred but this is a practice that staff employs. There is an option to waive that requirement and he will respect that decision if that is believed to be in the best interest of this project. He is cautioning that it will set a tone that will make it difficult in the future.

Ms. Julian is the Treasurer and Legal Counsel for this particular organization. She did that study and signed it as Legal Counsel. She does not have any financial interest in this organization and does not get paid as Legal Counsel. She does consider herself a professional in that parking study, having done it specifically herself and signing her name to it. They do not have a problem with any parking during the day at all. There are only two times and two evenings when every other business is closed that they have 60 or something cars they counted. They still have 128 in the parking lot spaces so it does not come close to anywhere near the capacity of this lot during those couple of evening hours. The day is not an issue whatsoever.

Councilperson Stoner believed that a certified Traffic Engineer would have a little conversation as to whose expertise is here and there. The only other observation she has seen is an indication that some odds and ends will be done as to renovations inside and odds and ends to renovations still require a building permit.

Ms. Julian and Mr. Maines agreed. Mr. Maines stated that once they get this they can go in with the permits and the plans because they have the money allotted from the bank if they start building, otherwise, they lose the money and nothing gets done.

Mr. Lunny commented that he would like to find out who the owner of the parking lot is.

Councilman Levy did not think that a decision would be made at this meeting based on all of the ifs, ands and buts; therefore, his suggestion would be that this be revisited at another time when they are ready to come back with the appropriate information regarding this and if there is a third party, which would be the Condo Association, a decision cannot be made because they are a parcel of all of these improvements.

Councilperson Stoner stated that Ms. Julian, as the attorney, must know what the articles in the Declaration say. She questioned whether the parking lot is a common element or is it to the unit.

Ms. Julian advised that it is a common element to all four units and they have been advertised. There is no objection; they know they are in front of Council tonight. There is another property in there too that is teetering on a foreclosure. This property has had its problems over the last couple of years obviously for them to be purchasing it. She does not know what they can do if they cannot get something done.

Mr. Maines indicated that they are trying to push this ahead because they need to be able to move into the facility.

Councilman Levy stated that everyone is trying to find a way within our Codes to make this happen; they are not in an adversarial way at all. As Councilman Jacobs said, everything needs to be safe and sure before any permits are given and we need to make sure that the deficiencies are addressed. Regarding the parking, if he were in your position, he would find it easier to go to Bank of America and ask if you can use some of their parking spaces that they have allocated because that is a recommendation.

Ms. Julian commented that they do not need Bank of America's parking.

Councilman Levy understands but the requirement is that they make that request. City requirements say that more parking spaces are needed.

In response to Councilman Levy, Mr. Leeds advised that 131 spaces are provided and the code requires 188 spaces because the Club is converting to assembly, which is a higher parking requirement.

Councilman Levy suggested meeting with the people from Bank of America and ask if they can use the parking at night if ever needed and a simple document will be done that allows it to happen.

Ms. Julian cannot imagine that she would be able to get someone from Bank of America to sign a legal document providing for anyone to use their parking spaces on property that they own.

Councilman Levy stated that they like to be good community members. It does not hurt to ask.

Councilwoman Moody agrees that Council cannot do anything with the ADA compliant spaces. She would not have a problem approving that, including the recommendation of waiving the parking study. She questioned whether we could legally state that no more than 100 cars can be parked in the lot between certain hours.

Mr. Lunny indicated that it would not be practically enforceable.

Ms. Julian commented that they have been counting for a long period of time so they would know exactly what they need because they know they cannot go somewhere if there is not enough space.

Councilwoman Moody questioned whether they expect more cars than what they have now in the future.

Mr. Maines stated that the number of vehicles has stayed steady over the years.

Councilwoman Moody's personal opinion is that she would approve this and would expect that Administration would send Code Enforcement out there tomorrow. She has a problem because the applicant has come in for a permit and now we are attempting to enforce the parking lot, which should have been cited by Code Enforcement.

Mr. Lunny advised that might affect the other owners consent and they may object. This happens under private arrangements that we do not know about it. That is why the City's past has been that when dealing with something they try to get the upgrades then.

Councilman Levy indicated that there is a letter from the President of the Association, Andre Grenia (sic). He agrees that Code Enforcement should definitely schedule an appointment with Mr. Grenia and point out all of the deficiencies. He questioned whether something could be done now pending these solutions being accomplished.

Mr. Lunny stated that Council could approve the item with a condition that it would be without prejudice to the City and taking enforcement action including such enforcement action as is appropriate as to this owner's common interest in that common property. As long as they understand and agree that would be Council's prerogative. He reminded Council that when you say Code Enforcement will address something a certain way, that there will be an expenditure of resources and time and that is something you might want to think about.

Councilman Levy commented that we need to make sure it is done so however we observe it, report it or investigate it, it needs to be done. Whoever goes out there from the City will have to inspect it and make sure it is done prior to any permits are allowed.

Councilwoman Moody is saying that Code Enforcement has to get started.

Mr. Lunny explained that the historical way that we do it is that we require it to be approved, we know it is approved and we are done is something that only costs us money in the permitting scheme. This way we are expending money through Code Enforcement. We really are an Administration trying hard to be very efficient.

Councilman Levy noted that the applicant is investing a lot more money that will be placed by City resources in making sure that property comes up to par and is used and meets Plantation quality standards. He thinks it is well worth the expenditure. Whatever can be done to help facilitate should be done. They need to understand their responsibilities as well; they need to be a part of the solution not just the problem.

Councilwoman Moody stated that if the applicant chose not to move forward we would still have these issues. She thinks that Code Enforcement should go out there whether the applicant continues or not.

Mr. Lunny does not disagree.

Mr. Butler referenced the staff comment regarding the ADA compliance issue. That is something that will directly impact this applicant for their occupancy. It is something that everyone needs to understand; that will have to get taken care of but that is in the balance of the other comments, which is being considered to be done on a Code Enforcement basis. He is concerned about the applicant's timing. It will require permits and he is trying to be sensitive to their concerns.

Ms. Julian advised that when she contacts the doctors and tells them there is a problem with ADA it will be done almost immediately.

In response to Mr. Butler, Councilwoman Moody clarified that her motion will waive the parking analysis requirement.

In response to Councilman Levy, Councilwoman Moody stated that Landscaping needs to be discussed.

Mr. Lunny stated that as he understands, no code requirements are being waived in terms of enforcement; however, you are allowing this individual to proceed with the understanding that the City will take action as to whatever interest they have in the property where violations occur. The only thing we will enforce at the

moment by virtue of holding up the permit is the permitting requirements on the ADA and striping under the Florida Building Code.

In response to Councilwoman Moody, Mr. Maines indicated that he read the Landscape comments.

Ms. Julian advised that when they came in she told the owners, who are doctors, and had them set meetings regarding their property on a monthly basis. When they finally had to start showing up they are getting involved. She believes that Dr. Grenia has a meeting with a property manager sometime this week.

Councilwoman Moody stated that she likes landscaping but does not have to have as much of it. She would hope that staff would work with the applicant.

Ms. Julian indicated that they want the landscaping. As soon as they got involved one of the buildings had not paid the Association and owed about \$15,000. They immediately paid up when she was ready to takeover receivership. The owner that bought the building paid \$30,000 back to the Condo Association when they closed. When they came in there were people living on one of the doctor's front steps that they could not get rid of. Lights have been installed to keep the homeless people from living there.

Councilwoman Moody commented that what she finds more important than trees are safe and lit parking lots.

Mr. Butler expressed concern about the precedent that may be set regarding the parking analysis waiver and he is asking the applicant to consider a suggestion that will allow Council to approve the project to move forward to permitting but still allow them to work with the applicant concurrently. He questioned whether Councilwoman Moody would consider in the motion to require the applicant to perform the parking analysis concurrent with their permitting and maybe a condition prior to CO that it be completed so we have a proper study.

Councilwoman Moody stated that other parking studies have been waived and she does not feel it is necessary because the applicant, in good faith, is telling them that they will never use those spaces.

Councilman Jacobs advised that he will have to vote no; he thinks that Mr. Butler's suggestion should be incorporated.

Motion by Councilwoman Moody, seconded by Councilman Levy, to approve subject to ADA compliance, with a waiver for the parking study without prejudice, and working with Design, Landscape and Construction Management regarding landscaping. Motion carried on the following roll call vote:

Ayes: Stoner, Moody, Levy
Nays: Jacobs

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Mr. Lunny read Item No. 18.

18. DEFERRED REQUEST FOR SITE PLAN, ELEVATION AND LANDSCAPE PLAN APPROVAL FOR RENAISSANCE CHARTER SCHOOL LOCATED AT 6701 WEST SUNRISE BOULEVARD.

A memorandum dated July 5, 2012, to Susan Slattery, City Clerk, from Vicki DeLello, follows:

Good afternoon,

On the June 27th meeting this item was tabled for July 11th. I spoke to Lisa Bernstein from Engineering and she has determined that all the issues have been resolved. This item can be definitely scheduled for Wednesday, July 11th.

If you have any questions please do not hesitate to call me. Thank you.

A Staff Report dated April 25, 2012, to the City Council, from Planning, Zoning and Economic Development Department, follows:

- REQUEST:**
1. Site plan, elevation, and landscape plan approval to include building additions, building demolition and new building construction.
 2. Approval to increase the maximum student capacity from 855 students to 1,100 students.

WAIVER REQUESTS:

1. From: Section 27-747(d)(2) which requires a minimum of two (2) off-street loading spaces.
To: Reduce the required number of off-street loading spaces to one (1) space.
2. From: Section 27-742(e) which requires a minimum drive aisle width of 25' for drive aisles abutting 90-degree (perpendicular) parking spaces.
To: Reduce the drive aisle width to 24'.

EXHIBITS TO BE INCLUDED: Planning and Zoning Division report; subject site map; site plan application; Review Committee meeting minutes of September 27, 2011 and August 23, 2011; Landscape Planning and Review Board meeting minutes of October 24, 2011; and Planning and Zoning Board meeting minutes of November 1, 2011.

PLANNING AND ZONING BOARD RECOMMENDATION: APPROVAL subject to staff comments and conditions (7/0; November 1, 2011).

LANDSCAPE PLANNING AND REVIEW BOARD: APPROVAL subject to staff comments and conditions. (6/0; October 24, 2011).

REVIEW COMMITTEE RECOMMENDATION: No objection to the project moving forward for further review. (September 27, 2011).

REVIEW COMMITTEE RECOMMENDATION: Defer the project and reschedule for consideration at a future meeting. (August 23, 2011).

ANALYSIS:

The subject site (formerly Doctor's Hospital) is 5.9 acres in area and was master planned in May 2001 with the Jewish Community Center/David Posnack Hebrew Day School to create a 21.9-acre school campus. The applicant purchased the 5.9-acre site from Federation School Lands, LLC in May 2011 and is currently operating from the existing two-story building located at the northeast corner of the site.

The applicant requests approval to:

1. Demolish the existing four-story, 80,744-square-foot former hospital building located on the south side of the site and construct a new two-story, 28,406-square-foot building (with 26 classrooms) in the same general location.
2. Construct a one-story, 2,586-square-foot addition to the existing two-story, 10,780-square-foot cafeteria building located at the northwest corner of the site.
3. Renovate parking areas on the south and east side of the site to include a designated bus drop off lane to be located on the south side of proposed Building #3; and
4. Improve the landscaping on the overall site.

Based on the 2011 master site plan, the maximum student capacity for Renaissance Charter School is limited to 855 students. Current enrollment is approximately 570 students. The applicant also requests approval of an increased capacity to 1,100 students (a 245 student increase) limited to Kindergarten through 9th grade students. This change will require the Engineering Department's review of a recently submitted traffic study.

STAFF COMMENTS:

PLANNING AND ZONING:

Planning: No comment.

Zoning:

The school use, based on available parking, is limited to elementary and junior high grades.

TRAFFIC CONSULTANT: See attached Exhibit "A".

ENGINEERING DEPARTMENT:

1. Please show all signing and marking on both the Civil and Site Plans.
 - a. Previous Submittal Comments (DRC & PZB) The signing and marking is incomplete, please include all signing and marking required. Applicant Response: Signing and marking is provided. Site Plan sheet SP01 does not reflect proposed pavement markings and signage. Civil drawing sheet PD1 is incomplete with regard to markings and signage. It appears from the site plan that one-way traffic is intended for portions of the parking area and for the proposed student drop-off area at the rear of the facility. Include pavement markings and signage on site plan sheet SP-1 and civil drawing sheet PD1

to clearly designate traffic flow and control. The response states that the plan sheets match. However, the traffic flow and control does not match any of our previous discussion on traffic management for this site. As shown, the traffic flow will cause severe problems on the City streets and the Engineering Department will not support the plan as submitted.

- b. City Council Comment – Please have both the Site Plan and the civil plan match. The Site Plan has a note stating that the area of the current parent drop-off/pick-up is the bus drop-off/pick-up. There is also a formal note #3 that states if buses are needed they will be managed at the front of the school. The bus drop-off/pick-up and the parent drop-off/pick-up must be at separate locations and the front of the school is needed for the parent drop-off/pick-up due to the queue required. Please see Traffic Engineering Comments on the traffic management plan.
2. New Comment: Include required Fire Department vehicle turning radii on site plan sheet SP-1 and civil drawing sheet PD1 to demonstrate compliance with Fire Department vehicle access requirements. Please show the pavement on NW 11th Place in order to determine if the fire truck can make the turn from the existing pavement width.
 - a. City Council Comment – It appears that the edge of pavement is shown on PD1, though it is not labeled. It is not shown on the Site Plan. Please show on both and label on both.
3. New Comment: The entire site must be brought into compliance with the City’s Floodplain and Stormwater Management Code (Chapter 9). Refer to permit comment #4 below. Response states “So noted”.
 - a. City Council Comment – Drainage requirements will be reviewed at permitting.
4. New Comment: The aerial conceptual sheets attached to the plan do not match the plan submitted. They are more in-line with what we discussed, but not completely. The plan submitted does not reflect any of the traffic circulations elements that were discussed and approved. As shown, the City streets will be negatively impacted; therefore, Engineering does not support the project moving forward until the circulations issues are resolved.
 - a. City Council Comment – The parent drop-off/pick-up and bus drop-off/pick-up issue will need to be resolved prior to permit approval.

Permit Comments (required at time of submittal for permitting)

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. Provide an erosion and sedimentation control plan and an FDEP approved Notice of Intent (NOI).
2. A demo plan and permit will be required with a building permit.
3. A Maintenance of Traffic (MOT) plan may be required. Coordinate with the Engineering Department to discuss prior to permitting.
4. The entire site must be brought into compliance with Chapter 9 of the City Code for floodplain and stormwater management. Please provide complete drainage calculations, signed and sealed by a professional engineer registered in the State of Florida, complying with all applicable sections of Chapter 9 of the City Code, particularly with Sections 9-41 through 9-44.
5. Provide a copy of Old Plantation Water Control District (OPWCD) and/or South Florida Water Management District (SFWMD) permit.
6. The applicant will be required to execute a developer agreement and post security for all engineering and landscape related improvement at the time of permitting.

DESIGN, LANDSCAPE AND CONSTRUCTION MANAGEMENT:

- 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.
- If you would like the comments forwarded to you via e-mail, please call Judy McBride at 954-585-2360 or e-mail her at jmcbride@plantation.org.

Planting Plan:

1. City staff will verify all trees and/or palms proposed “to be removed or relocated”. All proposed trees and/or palms “to be removed” must be mitigated for as per City codes; tree mitigation will be above and beyond code-required trees on the property.
2. Tree removal and relocation permits must be issued directly through the Department of Design, Landscape & Construction Management prior to the issuance of a Building and/or demo permit; please contact Diana Berchielli at 954-797-2248 regarding this matter.
3. Staff has a concern with the placement of curbed planting areas in relationship to the existing trees throughout the site; paved areas should be placed so as to not compromise the existing trees (i.e. tree #'s 68, 69, 94, etc.).

BUILDING DEPARTMENT: No objections, previous comments addressed.

FIRE DEPARTMENT:

1. No objections as to this request with the confirmation that the Fire Department comments of 8/23/11 were satisfactorily addressed by attached applicant letter of 8/30/11.
2. The applicant is aware that conditions may arise upon review of all required permitting signed/sealed plans.

POLICE DEPARTMENT:

1. All lighting should conform to IESNA Safe Lighting Design.
2. Demolition of the old Hospital Building must be done with coordination of the Police Department and the Demolition Plan must be provided to the Police Department.

UTILITIES:

1. Prior to a Building Permit or a Business License being issued, the following must be provided:
 - \$500 review fee must be submitted to the Utilities Department.
 - Water and Sewer Utility plans must be submitted to the Utilities Department for review and approval.
 - BCHD and BC EPD Permits must be approved.
 - Utilities Agreement must be executed.
 - Utilities Performance Bond must be posted.
 - Utility Easements must be executed.
 - Utility Inspection fees must be paid.
 - Capacity Charges must be paid in FULL.
 - Contact: Danny Pollio if you have any questions, 954-797-2159.
2. Must provide receipt of check copy for \$2,000 deposit marked for Utilities Expenses to project cost recovery account.

3. The Utilities Department future plans include closure of NW 66th Avenue between NW 11th Place and NW 12th Court to accommodate the proposed wastewater treatment plant reuse project to comply with the alternative water supply needs of the City.
4. Maintain all utilities and utilities easements for water and wastewater system access.
5. Full Utilities plan review and approval is required prior to permitting. No plans are for construction until marked "FINAL".

O.P.W.C.D.:

1. Old Plantation Water Control requires an acceptable drainage plan with retention and runoff calculations and a construction drawing prior to issuance of a building permit. Calculations are to include the master storm water system and include an as-built of the existing features.
2. Acceptance of as-built drawings and Certified Storm Water Inspection Report will be required prior to issuance of a Certificate of Occupancy.

WASTE MANAGEMENT:

1. The enclosure needs to be 12 x 12 and the doors need to open to 90 degrees with gate stoppers.
2. Cannot have an eight or six yarder because wheels cannot be put on those sizes due to safety. The largest they can go for a can with wheels is a four yarder. The driver is going to need to roll the can out to service the container.

EXHIBIT "A"

**RENAISSANCE CHARTER SCHOOL
VEHICLE ACCUMULATIONS STUDY – SUMMARY COMMENTS
March 27, 2012**

Background

The City of Plantation has received the Vehicle Accumulation Study from the Renaissance Charter School's traffic consultant. This study was to evaluate the School's Traffic Management Plan (STMP) that was put in place to address existing traffic congestion and safety concerns within public roadways and to assist the school with improving safety and traffic flow during the school's student drop-off and pick-up operation. The Vehicle Accumulation Study addressed the following topics:

- The total number of vehicles on-site during the AM and PM drop-off/pick-up times.
- The total number of vehicles on NW 66th Avenue during the AM and PM drop-off/pick-up times.

Please note that the other elements of the STMP were not addressed in this report. A copy of that report is attached to the end of this document.

On-Site Traffic Management Personnel

The study reported there were seven (7) staff members on the school site to assist with the drop-off and pick-up operation. This complies with the STMP with the exception of crossing guards located at Sunrise Boulevard/NW 66th Avenue. There was no mention of them in the study.

On-Site/Off-Site Vehicle Accumulation

The report stated that the school's overall on-site storage is 42 vehicles in one lane, 84 if two lanes are not used. The storage capacity of NW 66th Avenue was not provided in the report, though as part of the STMP, NW 66th Avenue was striped to accommodate two (2) lanes of southbound school traffic storage prior to entering the school's property. These two (2) lanes are intended to provide storage for approximately 48 vehicles.

Please note, per the study results, only one lane of NW 66th Avenue was used for vehicle storage.

Per the study, the maximum AM queue for the current conditions was 42 on-site and 23 on NW 66th Avenue for a total of 65 vehicles.

Per the study, the maximum PM queue for the current conditions was 32 on-site and 39 on NW 66th Avenue for a total of 71 vehicles.

In reviewing the graphs of vehicle storage in the PM, it shows that at 2:30 there were 32 vehicles on site and at 2:35 there were 35 vehicles on site. The graph for NW 66th Avenue shows that at 2:32 there were 39 vehicles in the queue and at 2:35 there were 0 vehicles in the queue. Interpreting this would indicate that in three (3) minutes all 32 on-site vehicle plus four (4) additional vehicles from NW 6th Avenue had cleared the site, leaving the remaining 35 off-site vehicles to become on-site vehicles. The vehicle information on-site did not begin until 2:30 so there is no way to compare them with the earlier off-site storage.

Recommendations for School's Build out Conditions and Vacation of NW 66th Avenue

The report states that with the current student population all vehicle storage can be accommodated by using both lanes on the on-site storage. Why is that not being done today?

The study recommendations for future traffic control include:

1. Maintaining the seven (7) school staff/traffic personnel,
2. Two on-site vehicle circulation lines,
3. Implement two (2) start times and two end times separated by at least 30 minutes apart in order to minimize the future impacts.
4. Relocate the east driveway traffic control staff to the center drive if NW 66th Avenue is vacated.

For the future build out of the school, there will be 1,100 students. The study states that this is a 93% increase. Applying this increase to the current vehicle accumulations results in the following:

Per the study, the maximum AM queue for the current conditions was a total of 65 vehicles. For the future conditions this would be increased to 125 vehicles of which 84 could be contained on site and 41 vehicles being queued off-site.

Per the study, the maximum PM queue for the current conditions was a total of 71 vehicles. For the future conditions this would be increased to 137 vehicles of which 84 could be contained on site and 53 vehicles being queued off-site.

The off-site vehicles for the future build out of the school may exceed the available capacity and if so, we will need to be mitigated in another way. In addition, if NW 66th Avenue is vacated by the City then bus

transportation must be implemented as NW 11th Place will not be allowed to be used for the storage of vehicles.

The proposed two (2) different start times should be evaluated and presented to the City as this may alleviate the excess off-site storage that will be required in the future.

City Staff Field Observations – March 28, 2012 PM Pick-Up

1. School staff were not present at four of the seven locations, including two (2) on NW 11th Place that would direct traffic entering and exiting the site, one (1) controlling traffic/reading names, and one (1) at the internal center drive.
2. This resulted in many vehicles running the stop sign at NW 11th Place/NW 66th Avenue when entering the site.
3. Vehicles were entering the center drive to get in the pick-up line.
4. Operations went smooth for the most part; however, the school staff needs to follow the STMP as previously agreed upon.

School Traffic Management Plan (Previously Provided)

The City of Plantation has coordinated with the Renaissance Charter School's traffic consultant to develop a School Traffic Management Plan (STMP) to address existing traffic congestion and safety concerns within public roadways and to assist the school with improving safety and traffic flow during the school's student drop-off and pick-up operation. The STMP addresses the following topics:

- Traffic Control Devices on Public Streets
- Roadway improvements
- Traffic Control Personnel/Crossing Guards on Public Rights-of-way.
- On-site Circulation and Operations

Roadways impacted by the school's operation include NW 66th Avenue and NW 11th Place (City of Plantation rights-of-way) and Sunrise Boulevard. (FDOT right-of-way). Sunrise Boulevard and NW 66th Avenue are recognized to be oriented in the north-south direction and NW 11th Place is recognized to be oriented in an east/west direction. Therefore, the Renaissance Charter School is located on the south side of NW 11th Place just east of Sunrise Boulevard.

Traffic Control Devices on the Public Streets

In order to discourage parents from parking within the City rights-of-way, NO PARKING ANYTIME (R7-1) signs shall be installed on the north side of NW 11th Place and on both sides of NW 66th Avenue. No parking in the City right-of-way will be strictly enforced by the City of Plantation Police Department.

Roadway Improvements

The existing asphalt pavement along NW 66th Avenue is approximately 27 feet wide. The City of Plantation will allow the section of NW 66th Avenue from NW 11th Place to a point approximately 600 feet north of NW 11th Place to be reconfigured from an existing two-lane undivided roadway to a three-lane undivided roadway. Three nine-foot lanes – one northbound lane, and two southbound lanes, can be established with proper pavement markings and signage. The two southbound lanes shall be marked and signed to control thru and turning traffic

flow. The center southbound lane shall be further marked to restrict its use for school purposes. The lane reconfiguration will afford the school to direct parents to “stack” in both southbound lanes.

Traffic Control Personnel/Crossing Guards on Public Rights-of-Way

The school shall provide traffic control personnel at the NW 11th Place/NW 66th Avenue intersection and the designated school exit driveway on NW 11th Place (center driveway).

Personnel shall be certified to control traffic and shall wear appropriate safety vests at all times when working in the public right-of-way. All traffic control personnel should be equipped with radios for internal communication and whistles to assist with their authority in directing traffic.

Two crossing guards should be positioned at the southeast and southwest corners of the Sunrise Boulevard/NW 11th Place intersection to assist walking parents and students across Sunrise Boulevard. The intersection should be managed during the morning and afternoon school peak periods.

On-site circulation and operations

In order to maximize vehicle stacking within the school site, two drop-off/pick-up lanes should be implemented utilizing the existing south and west drive aisles. The school’s traffic control personnel can be positioned at the north end of the west drive aisle to control the release of vehicles from the two drive lanes to the covered walkway at the front of the school. Using the school’s current afternoon pick-up operation as an example:

- The two lanes can be operated to first staff Kindergarten parents in one lane and first grade parents in the other lane. Traffic control personnel can release the Kindergarten parents first, and when completed, release the first grade parents. As a lane of stacked parents is released and completed, traffic control personnel can repeat the process for successive grades until the pick-up process is complete.
- Traffic control personnel should be alert and use good judgment to release only a safe number of parents to manage at the covered walkway.

Additional internal adjustments should be considered to expedite the drop-off/pick-up operation, such as:

1. Maximize use of the covered walkway by making certain parents pull forward to the leading edge of the walkway (east end).
2. Staffing of the covered walkway should be increased to accelerate the transfer of students to and from parents. Separate personnel should be dedicated to escort students after transfer.
3. Issue placards with student name, teacher name and grade to each parent. During afternoon pick-up, require parents to place the placard on the passenger-side dashboard of their vehicle. A designated person can read the placard, and through the use of radio or megaphone, call attention to the appropriate staff member to quickly bring the student to the covered walkway for pick-up.
4. Increase the morning drop-off time from 15 minutes to 30 minutes and manage the drop-off operations similar to the afternoon pick-up operation. This should provide added relief to the public rights-of-way.
5. Coordinate with the Broward County School Board and Broward County Traffic Engineering Division to extend the existing school zone on Sunrise Boulevard and reduce vehicle speed through and north of the intersection of NW 11th Place.

Attorney Bill Laystrom was present on behalf of the applicant.

Mr. Laystrom provided a brief presentation. He reminded Council that there are two minor waivers; one to change the drive aisle from 25 feet to 24 feet, which has been done in the past; and the other is to waive one of the loading zones, which staff concurs with. There is only one comment from the Planning Department, a few comments from Landscaping and the other departments all of which they agree to. It came down to working with the Engineering Department over the last six weeks and they have come to a traffic circulation plan that he thinks not only anticipates today's population; it anticipates the increase of the students. Currently they are at 611 students and are entitled to go to 855 students, and they have requested to go to 1,100 students for elementary and junior high. The added change prior to the first City Council meeting was that the City was considering vacating NW 66th Avenue. They did a complete revision to their circulation plan, which was submitted in the form of a traffic study and queuing study. Staff has reviewed it and it has been fine tuned and it is agreed that the plan is acceptable and meets all of their criteria. A letter was providing stating that he agrees to tweak as necessary for the staff that in the event the traffic circulation plan does not work, they will add as many buses necessary in order to reduce the stacking. They did change the stacking time so they would have two different school times; in the afternoon it is an hour and in the morning it is a half hour. As he understands from the owner, the difference in time is because in the afternoon when picking up children it takes longer to get them out and into the cars than in the morning, which is a much faster flow. They took a conservative view of the traffic study and did not include that they have early morning pre-drop-off and afterschool care that will actually reduce the peak load. They have committed to this plan as well as the backup plan. It is their job to make sure that monitors are out there; that plan was agreed to and submitted in writing.

Mr. Butler indicated that the applicant is correct in his statements; the Engineering Department has spent an extensive amount of time with the applicant's Traffic Engineer evaluating their study and the site. They have provided a solution that is a combination of physical improvement and operational plan that they are comfortable with as long as it is implemented consistently as it is portrayed. They have discussed with the applicant about a "what if", which comes down to whether the staffing side of the operational plan was to break down, and they were very understanding of that possibility. We are going to further refine some conditions and thresholds that we will mutually agree to in the event that happens what will be done next and he is comfortable with this going forward. What they will do next will likely include increasing their busing service and there are some solutions on the table for that. Staff is comfortable with what was presented and they are comfortable making a recommendation to support this project subject to these conditions.

In response to Mayor Bendekovic, Mr. Laystrom advised that the morning will be a 30-minute stagger and the afternoon will be a one-hour stagger.

Mrs. Einav Cabrera, new principal, was present.

In response to Mayor Bendekovic, Mrs. Cabrera stated that before care starts at 6:45 a.m. and breakfast starts at 7:15 a.m.; elementary starts at 7:45 a.m. and arrival starts at 7:30 a.m.; middle school starts at 8:15 a.m. There are very few middle school siblings, most of the siblings are in elementary. If middle school students do not have siblings they do not want to come early. Middle school gets out at 3:15 p.m. and elementary has a staggered dismissal that starts at 2:10 p.m. Two grade levels come out every ten minutes until 2:30 p.m.

Mayor Bendekovic commented that parents line up at 1:00 p.m. when school dismissal time is 2:00 p.m. She expressed concern about enforcement. It seems that you are trying to fit a large amount into a very small space. There will be sickness with monitors and you do not know if there will be substitutes for them; it is very difficult to monitor something like this. It cannot be a constant and that is her concern.

Mrs. Cabrera indicated that about 30% of the students stay for aftercare and they have agreed to do buses if there is a need.

In response to Mayor Bendekovic, Mrs. Cabrera advised that usually the bus stops are central stops. There will not be an additional charge to the parents.

Mr. Lunny questioned whether this arrangement contemplates that the City Engineer, in the exercise of his reasonable exclusive discretion, has the authority to require the transportation or will this be a negotiated thing should that occur. What exactly was agreed to?

Mr. Laystrom stated that they put in writing that basically it is a three-strike situation. If three observations are made, whatever the problem might be, Mr. Butler would have the right to call them in.

Councilperson Stoner referenced the playground. In the many e-mails she received no one talked about the increase in the student population. The only thing parents seemed to be concerned about was the green space and the playground for the children.

Gus Carbonell, architect, was present. He explained that there is currently a small courtyard and there is mainly play equipment for young children. The new facility has a very large area that will be devoted for a play field for different outside sports.

Councilperson Stoner commented that part of that area is a retention area and cannot really be used as a playground.

Mr. Carbonell indicated that most of the year it will be dry and the area can be used.

Councilperson Stoner believes that a certain square footage per student is required. She questioned how many square feet per student do you have to have.

Mr. Carbonell advised that charter schools do not have a requirement.

Councilperson Stoner emphasized that the green space was the absolute number one complaint on every e-mail she received. Parents believe that City Council not approving this project was strictly affecting their green space and the ability of the children to get outside for fresh air. The square footage of the true space is next to nothing for 800 +/- children.

Mr. Carbonell stated that it is a small green space. Their idea is that a small portion of that area, which should be dry most of the season, can be used and they also have the courtyard to play in.

Councilperson Stoner noted that the courtyard around the classrooms is not green space; it is ventilation.

Mr. Carbonell indicated that the courtyard is a recess area. Many times schools have outside activities in which they take the students to parks.

In response to Councilwoman Stoner, Mr. Romano advised that he has not seen this plan; therefore, he is not familiar with it. Typically there are a number of how many square feet per student for open play space. As far as playing underneath an overhang outside does not quality; it has to be an open green space.

Mr. Laystrom commented that a charter school does not have a requirement for any specific amount of green space; it is green space for play areas. It is a school of choice and for those parents who feel that is something they want as part of the school, they can have other options within the school system.

Councilperson Stoner does not disagree but when word has spread and e-mails start but the e-mails do not necessarily contain the message you want to send and it is more about green space then she has to take the time to look at what they are considering too.

Mr. Laystrom advised that they meet the green space requirements. If the parents have that concern then they need to address that with the applicant.

Mayor Bendekovic indicated that the parents will have to address it but at the same time, when we receive e-mails on top of e-mails, if you do not have the green space to address it how do you create green space if you do not have it to begin with. The parents are never going to be satisfied. Council also has to remember that there are charter schools that are non-profit and others that are for profit. She believes this charter school is for profit. There is not enough green space to accommodate that many children. The parents are going to have to make a choice whether they want green space or education and they have to understand that they are not going to get the green space they want.

Mr. Laystrom agreed.

Councilwoman Moody stated that numerous e-mails were received and the main topic was the green space. She is not sure how green space can be counted when it also suffices as a retention area because part of the time it will be wet. The request is to approve the maximum stated capacity from 855 to 1,100. She questioned why they wouldn't go with the 855 and see how everything flows and then come back to Council.

Mr. Laystrom commented that they are not asking that the retention area be counted as green space.

In response to Councilwoman Moody, Mr. Laystrom advised that the way they will open will be each grade, one at a time. Typically they will move the fifth graders into sixth graders and the sixth graders into seventh grade. They are expecting to phase this in over three years and need to be able to tell the parents who go into the first year of middle that they will have the ability to stay there for all three years.

In response to Councilwoman Moody, Chief Harrison indicated that he is familiar with this location. He stated that there are issues every year during the beginning of school. There were some problems at the beginning of the year with the drop-offs and Mr. Butler came out with us and offered some solutions and suggestions and the problems were worked out. Some of the drop-off was being done on Sunrise Boulevard.

Mr. Butler reminded Council that they worked with the applicant under the Phase 1 approval subsequent to that approval to resolve this current issue by allowing them to occupy NW 66th Avenue. They were very cooperative and prepared a proper striping and signage plan and we are letting them occupy NW 66th Avenue as needed and that has been helpful. NW 66th Avenue has been remarked and signed to provide a dedicated lane for queuing so that the parents that need some place to be can be in a safer position and still not frustrate the general traveling public and it has been working. We have been managing that with the school and it has not been, in our judgment, problematic. We expressed concern about it for the future.

In response to Councilwoman Moody, Mr. Butler advised that they discussed about in the future, if the City learns that it is necessary for the sake of a municipal project for utilities to vacate NW 66th Avenue, of course

that opportunity for the parents to queue will disappear. The traffic analysis that the applicant has done accounts for that and it makes a further provision interior to the site to mitigate what is happening today and they have shown us a plausible solution to queue internally. He has stated that the analysis that their Traffic Engineer has prepared addresses the student population and has provided a solution that we find acceptable but he cautioned that it is both physical improvement and operational and if the operational side that we were a little concerned about fails there needs to be a backup plan and that plan is going to be additional busing, which can mitigate any future concerns.

Councilwoman Moody expressed concern for this many students.

Mr. Butler indicated that they heavily scrutinized this; he understands the concern. Every avenue possible was considered to find other ways to deal with this including options to improve Sunrise Boulevard in some way or another. Those were not even plausible. The applicant was pushed very hard and they worked amicably with us and they have produced a solution that can function as long as it works exactly the way it was represented. Any staffing glitches can invite issues; he cannot define that numerically but is saying generally it could create a backup into the right-of-way. The applicant recognizes this and has agreed to commit to additional measures to his satisfaction to prevent that from happening. They have had projects in the past that have had similar types of circumstances and they were worked out similarly.

In response to Councilwoman Moody, Mr. Laystrom advised that if there is a traffic issue the school is willing to pay our Police Department for detail. The preferred solution for staff was that we add buses, which will take 50 to 70 cars for every one bus. If the alternative is Police detail, they would agree to that.

Mr. Butler stated that Police detail was also discussed as an alternative but he is suggesting that there have been some solutions, operational and improvement, that they are confident can work as long as they are put into place as they are proposed. They were sensitive to Police Department staffing involvement to try to become an alternative solution simply because we respect the fact that our Police Department has other responsibilities and this additional burden might not be easy for them to take on and they knew that buses could resolve this. He is principally suggesting to Council that the alternative they would look for first would be a busing resolution opposed to Police Department detail, but they will not disregard it.

In response to Councilwoman Moody, Mr. Laystrom indicated that there is a special drive thru lane for the buses.

Councilperson Stoner commented that she is not in favor of going back to any property owner after the fact and telling them we do not like what they did when the reality is that we sort of made the decision. No one has discussed the impact on JCC and Plantation Middle School. There are three schools that all start at the same time and the High School is down a little further. We are anticipating the Supervisor of Election site across from the school. She wants them to build whatever they want to build but she cannot support the increase in students at this time.

Mr. Laystrom emphasized that they have met City standards, they have included all of the traffic and they are physically separate in their entrance and the entrance to Sunrise Boulevard from the JCC and from the Middle School. They rely on NW 11th Place and when the City cuts them off from NW 66th Avenue they would not have any interaction with the Supervisor of Elections office.

Councilperson Stoner stated that there is an impact on traffic either way; there is no way that a schools queue does not impact traffic.

Mr. Laystrom advised that their plan intends to have all of the cars on site; all of this backup is what happens if it does not work. They will be the one school that has all of their traffic on site and they are going to get denied as far as your position with this.

Mr. Joaquin E. Vargas, Traffic Engineer, was present. He explained that as part of these studies they have to do counts on the road and they have done that. Those counts include traffic from those other schools. He mentioned that the plan also includes some improvements at the intersection of Sunrise Boulevard and NW 11th Place. City staff requested that they talk to Broward County about some signalization changes that have to be done to accommodate these changes and the County has agreed to issue a letter that they would do that as soon as the student population gets to the 1,100. Mr. Laystrom is correct; all of the traffic queuing will occur on site. One of the benefits they have is using NW 11th Place. This roadway will only be utilized by their school traffic; no other traffic will be there. The plan is that they will go east and will enter on the eastern most driveway and go all the way around to do the drop-off, turn back, and go all the way around and turn left. There is no conflict; the right turns go in and the left turns go out. Currently, they only have one start time and one end time with 611 students and no buses. In the future, once they increase the population to 1,100, there will be two start times thirty minutes apart and two end times one hour apart plus buses.

In response to Councilperson Stoner, Mr. Carbonell stated that their estimate is that there will be a maximum of 61 cars on site and they can accommodate 65 cars on site not including any traffic on NW 11th Place. That does not assume the early care or the aftercare; therefore, that was not included in the analysis to be conservative in their calculations. With regard to the Mayor's comment concerning the issue of parents dropping children off too early or arriving early in the afternoons. They did counts during the existing operation of the school so they have an actual distribution of traffic when traffic is arriving and you are correct, parents do arrive very early. That graphic is already determined and they accounted for that for the two drop-offs and they do overlap. If the maximum number of cars is 45, when they overlap that is when they come up with the 61. They did not take into account the early drop-off and the late release time. They do stack everything on site with this plan. The important thing is that today there is only one start and one end and no buses and in the future there will be three, which they have agreed to increase if necessary. There are also improvements at the intersection of Sunrise Boulevard, which they discussed with the county and they issued a letter stating that they would work with us to do those changes.

Councilperson Stoner mentioned the staggering of times and noted that there will be more than 60 vehicles. She questioned how many cars were in the street prior to putting this queue together.

Mr. Carbonell advised that they counted cars on site and also on NW 66th Avenue. The total number of cars counted in the morning was a maximum of 56 cars and in the afternoon there was 52 cars at any one time; this is with one start time, one end time and no buses. With the increase there will be two start times, two end times, plus buses.

Councilperson Stoner commented that a scenario was also presented with 60 cars in the queue and then further suggested that it may not work so there are backup plans.

Mr. Laystrom advised that they never said that; staff requested a backup plan, which they agreed to because they are in a circle of conversation. Councilwoman Moody asked for a different solution, which they have also agreed to. They are confident that their plan will work but they are addressing staff's concern that about the operational side not working.

In response to Councilperson Stoner, Mayor Bendekovic indicated that Plantation Middle School starts at 9:00 a.m. and releases at 3:00 p.m.; the younger ones are usually 8:00 a.m. and 2:00 p.m.; and the High School is even earlier. She does not know the hours for JCC.

Mrs. Cabrera was the principal at the JCC school for the past two years and she is very much aware of the traffic patterns in that school when there was an issue at that school to allow on site queuing and double side drop-offs. And they made sure that there was no traffic on Sunrise Boulevard at anytime, which is the plan with this school as well. The dismissal and arrival times for Elementary are 8:00 a.m. to 2:15 p.m. and the Middle/High School is the same time, which is from 9:00 a.m. to 4:00 p.m.

In response to Mayor Bendekovic, Mrs. Cabrera advised that Charter Schools do not have to have approval with the School Board with regard to the traffic pattern. Charter Schools are actually held to the City, not to the County when it comes to those types of things. With regard to calculations for an increase due to the progression rate of children moving up in the grades, this coming year the enrollment is going to be 645. In looking at their waiting list, there are over 150 students and that is with the community knowing that they are full at this point. Moving forward, whatever they have right now is because of the limitations of the building. They could have another two or three Kindergarten classes and another one or two first grade classes but they do not because they are limited by the building.

In response to Councilman Jacobs, Mrs. Cabrera stated that this is a three-year plan and that is when they will be at the maximum number of students.

Mr. Laystrom indicated they are doing this over three years although they are investing in the rebuilding to do all of the facilities at the same time. If they were to stagger the construction over three years it would cost a tremendous amount.

In response to Councilman Levy, Mr. Laystrom advised that the total economic impact has not been factored in; there will be tons of construction jobs as well as teaching jobs.

Mr. Carbonell commented that the total cost will be about \$6 million.

Councilman Levy requested that at some point the total economic impact to the community be provided.

In response to Councilperson Stoner, Mr. Carbonell advised that a complete asbestos survey was performed of the building and graphs shows all of the locations where the asbestos has to be removed, which will be regulated by Broward County before any kind of demolition takes place in that building. The building will be demolished when school is not in session. He mentioned the playgrounds and noted that the entire area is not retention; there are three small triangular areas that are retention but for the back of the building approximately two-thirds of the green area will not be retention; it will be flat. They are actually reshaping the retention areas to congregate as much as possible limited areas. It is not going to be a football field or a soccer field but it is not like the children will not be able to play outdoors. The driveway area, which is not being used for pickup and drop-off during school hours, can be closed and used for running and exercise.

Mayor Bendekovic questioned whether it would be out of order to ask Broward County School Board Superintendent Runcie's staff to look at the traffic pattern.

Councilman Levy stated that he is satisfied with the stacking, which seems to be the biggest problem and that has been resolved.

Councilperson Stoner questioned what would happen if this organization sells the school in the future.

Councilman Levy advised that we would have to deal with that at the time; it is a private organization. He was not sure that it was such a bad idea to have Broward County look at the plan.

Mr. Lunny indicated that Council has the option to do that if they wish.

Mr. Laystrom stated that he would provide a declaration or other type of document that has the traffic circulation plan included and record it in the Public Records so that all future owners would be responsible.

In response to Mr. Lunny, Mr. Laystrom advised that no one ever asked if they were consenting to the vacation of NW 66th Avenue. They studied it and assumed that it would be vacated. He does not think there is any objection.

Mr. Lunny requested that no objection to the vacation on NW 66th Avenue be included in the declaration.

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

Ayes: Jacobs, Levy

Nays: Stoner, Moody

NOTE: Mayor Bendekovic voted no. (Mayor Bendekovic later changed her vote to yes).

Mr. Laystrom commented that they have met all staff requirements and there is nothing else they can do. They take care of their traffic better than any of the public schools mentioned and yet they are singled out.

Councilman Jacobs questioned the concern about the 1,100 students. The Fire Department has to approve 1,100 students in the facility. He questioned whether everyone is concerned about a safety issue.

Councilwoman Moody believes it is in conjunction with everything along Sunrise Boulevard. She knows we cannot protect against the future but she is uncomfortable with it.

Mr. Laystrom stated that, in fairness, they studied the future with every possible difficulty included in the study.

In response to Mayor Bendekovic, Mr. Laystrom advised that the site was always 850 students, they never asked for 850. That was the original approval when the David Posnack came in.

Councilwoman Moody commented that no one is worried about the building.

Mr. Lunny indicated that this is not a use approval; it is a site plan approval. Mr. Laystrom's observations about meeting the City's requirements are on point with respect to Mr. Butler's statements and that is why he believes that the Mayor's suggestion to defer the matter and make sure that the School Board's Executive Staff, either Mr. Runcie or the Board, is satisfied with both this solution and perhaps the green space, might be appropriate in advising the School Board that it appears that our standards have been met but we do not know about any of theirs. In the interest of a quick inter-governmental coordination we would like them to weigh in on this. He reminded everyone that this is a site plan approval; it is not a use approval. The evidence has been joined in

terms of the traffic situation in terms of on site and there has been no contrary evidence that he is aware of for Council to conclude that there still remains a traffic problem. Council might defer this and request a more expansive study if it is believed there is an issue or as the Mayor suggested, you might ask the Board and their staff to look at it and give advice. The Board or the Administration of the Board might determine that this is not something they feel is appropriate for this Charter School and that might be resolved at that level.

Councilperson Stoner commented that we voted and questioned whether it should be rehashed.

Mayor Bendekovic stated that she wants to be sure that she has a full understanding. Her concern is with the 850 and the increase to 1,100 students.

Mr. Lunny believes that is a reasonable disclosure that is necessary for staff to address site impacts and those site impacts have been evaluated by your professional staff.

Mr. Laystrom advised that those numbers were included so they can add those three grades as well as have the classes discussed as the lower level. Staff requested that information.

Mr. Lunny indicated that they needed to disclose the number in order that we could evaluate the trips that are attracted to and disbursed from the site. In order for staff to evaluate, for as long as he can remember, we have been asking for the enrollment number.

Mr. Laystrom commented that this has put the school in a hard position.

Mayor Bendekovic stated that she would change her vote because of the fact with the site plan and with what Mr. Lunny said but she would have appreciated if they could have gotten the School Board to look at this.

Mr. Lunny advised that Council can ask for a deferral of this application and it can be referred to the Board or Mr. Runcie for their input.

Mrs. Cabrera commented that in the past, the County does not like to get involved and they do put it back on the City.

(Mayor Bendekovic will take Mrs. Cabrera's word and in good faith with change her vote to yes.)

Mr. Laystrom indicated that their pledge is that they will stay with it with Mr. Butler throughout the process as they add those classes and they will be able to study it as it ramps up. Just because they came up with an alternate solution does not mean that Mr. Butler may have a different solution as they move forward or they have a different suggestion for him in addition to the buses.

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COUNCILMEMBERS' COMMENTS

Councilwoman Moody commented that it was nice having all of the Council members at the parade.

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Councilman Levy requested that everyone provide support for two Plantation personages who are up for some major titles.

- The Hero Dog Awards; Tatiana 2 has made the finals and needs our vote and support to continue her quest to be the All American Dog. Go to Herodogawards.org/vote. Tatiana 2 is a hearing dog and her partner was Dogs for the Deaf.
- Dancing Her Way to Television Stardom; South Plantation Valedictorian, Tiffany Maher, makes it to the top 20 in Foxes So You Think You Can Dance competition. The program is on at 8:00 p.m. on Wednesday evenings on channel 7. Tiffany can be followed on Twitter at [Dance9Tiffany](https://twitter.com/Dance9Tiffany) or friend her on [Facebook.com/Dance9Tiffany](https://www.facebook.com/Dance9Tiffany).

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PUBLIC REQUESTS OF THE COUNCIL CONCERNING MUNICIPAL AFFAIRS

Dennis Conklin, resident, was present. He made the following comments:

- Three years ago Plantation basically threw its lot in with ICLEA and Agenda 21. He tried to express what he knew about this organization and was not successful; the City passed it three and a half years ago. Since that time he has continued to bring educational facts to the Council and he noticed that no action has been taken. In checking the Florida Statutes, he discovered that he was asking to repeal this Statute by name and number, which cannot be done; therefore, he brought forth a resolution as per Florida Statutes. He requested that Council make a motion and a vote to repeal the resolution.

Councilman Jacobs stated that he would support that if it were done properly.

In response to Councilman Levy, Mr. Conklin clarified that the request is for the City to repeal the Green Local Government Program.

Councilman Levy read what was provided by Mr. Conklin as follows, "A resolution of the City of Plantation to repeal in its entirety Resolution No. 10481, a resolution of the City of Plantation, to become a Green Local Government through improved environmental performance using criteria and standards developed by the Florida Green Building Coalition. And encouraging the Florida Legislature and the Governor to support the Green Local Government Program, which was passed and adopted by the City of Plantation this 28th day of January 2008".

Mr. Conklin stated that he read the title; that is the preamble to the City's resolution.

Councilman Levy believes that it should be reworded because in his opinion, two different thoughts are being sent; one is that we repeal locally and the other is that we encourage the State to go ahead with Green Local Government.

Mayor Bendekovic indicated that if you are going to look at this she would prefer that everyone has all of the backup material and that you understand what the Green Building Coalition is and that we have the Gold Certification. She has the backup material. We also contacted the Florida Green Building Coalition previously

and they have advised that they have no association at all with ICLEA. She would prefer not to make a decision tonight and will bring it back to Council another time.

Mr. Lunny advised that the resolution is not in proper form.

Councilman Levy stated that the resolution will be reviewed and the Mayor will bring it forward if there is a consensus.

Councilwoman Moody and Councilperson Stoner indicated that they would like to look at this again.

There was a consensus to bring this back for discussion.

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Lucille Justin, resident, was present. She commended Mr. Butler for observing and confirming that the lighting in her neighborhood is very bad. She has also spoken with Chief Harrison, who is also doing his job. She apologized for abruptly leaving the last meeting. She asked if there is an ordinance regarding hurricane shutters. Most people close shutters on the sides of their house for security and not in the front of their house. In speaking with Code Enforcement, she was told that as long as residents can get out of the front doors the shutters are all right. There should be an ordinance that says that shutters should be removed within a certain period of time after a hurricane.

Councilman Levy believes that the County has a law regarding hurricane shutters. As long as the County has an ordinance that takes precedence.

Ms. Justin requested that someone inform Code Enforcement so they can knock on the door and tell the residents to take down their shutters.

Mayor Bendekovic advised that this will be checked out tomorrow.

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Ms. Justin stated that she is glad about the charter school; maybe there will be some new people in the neighborhood. It would be nice if Council would go after the duplex homeowners; they have to notify the tenants to use blue bags instead of black bags. Unfortunately some of the renters cannot afford the blue bags and the absentee property owners make the property run down.

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Ms. Justin asked why there are no fancy entryways in her neighborhood and she was told that was a combined effort with the homeowners. There is not a Homeowners' Association in her neighborhood and never has been. She questioned if the City could at least try to improve the entryway once the shutters are removed, especially on NW 15th Street.

Councilman Levy asked if a Neighborhood Improvement Plan was approved.

Mayor Bendekovic advised that the plan was sunsetted because of the lack of funding. Entry walls and identification walls are no longer being funded; they have all been sunsetted to another time.

Ms. Justin commented that never heard of NW 11th Place being mentioned so much until there was talk of a charter school.

David Warner (sic), owns a duplex on NW 16h Street, and offered a suggestion of a solution regarding bulk pick up. Bulk items are sometimes put out several weeks in advance and usually the week prior to pick up people in trucks go through recyclables and throw the bulk items around and sometimes break glass in the swales and street. Perhaps if there was a limitation as to how soon bulk items could be put out would help.

Councilman Levy stated that there is a limitation and it needs to be enforced. You can call Code Enforcement and your name will be kept confidential. People need to realize that there is no way that everybody can be on patrol all the time. Unless neighbors or an individual calls and lets us know, sometimes we do not see or handle the problem appropriately.

Ms. Justin suggested that a letter be sent to the homeowners stating that when they rent they must tell the tenants the rules and regulations of the City.

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SEALED COMPETITIVE SOLICITATIONS

19. REQUEST FOR APPROVAL TO AWARD CONTRACT FOR ODOR CONTROL MODIFICATIONS BASED ON SEALED BIDS OPENED ON JUNE 19, 2012.

Mr. Lunny assumed that everyone read the letter and if it is their desire to approve the resolution as contained in the memorandum then they would request a motion and if that motion is passed he will announce who won the award and the contract amount.

Motion by Councilwoman Moody, seconded by Councilman Jacobs, to approve the recommendation. Motion carried on the following roll call vote:

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

Mr. Lunny stated by its action, the Council has awarded the contract for the odor control modifications to Wharton-Smith, Inc., in the amount of \$1,477,000.

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WORKSHOPS – None.

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Meeting adjourned at 10:03 p.m.

Robert A. Levy, Pro Tem President
City Council

ATTEST:

Susan Slattery
City Clerk

RECORD ENTRY:

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

Susan Slattery, City Clerk