

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

**December 14, 2011**

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

1. Roll Call by City Clerk:

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

Absent:

Robert A. Levy

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2. The invocation was offered by Councilman Tingom.

The Pledge of Allegiance followed.

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**ITEMS SUBMITTED BY THE MAYOR**

**Resolution No. 11402**

3. **RESOLUTION** of Appreciation to Sharon Paul for eight years of dedicated service to the City of Plantation.

*Motion by Councilman Tingom, seconded by Councilwoman Uria, to approve Resolution No. 11402. Motion carried on the following roll call vote:*

Ayes: Tingom, Stoner, Jacobs, Uria

Nays: None

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Mayor Bendekovic presented service awards to the following employees:

*Zoraida Gonzalez	Utilities	25 years
*Officer Thomas Anastasiou	Police	20 years
Officer Thomas Butt	Police	20 years
George Harper	Public Works	20 years

Mary Fowler	Finance	15 years
Dixie Gualtieri	City Clerk	15 years
Officer Erik Carlton	Police	10 years
Noel Cammock	Utilities	5 years
*Deetra Council	Police	5 years
Jeffrey Dixon	Parks and Recreation	5 years
*Emmanuel Gonzalez	Utilities	5 years

\*Unable to Attend

Congratulations were offered.

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

- Santa's Visit Program is on Saturday, December 24, 2011 between 5:00 p.m. and 10:00 p.m.
- Parks and Recreation is hosting the 15<sup>th</sup> Annual Orange Classic Soccer Tournament which will be held at Plantation Central Park and Pine Island Park on Tuesday, December 27, 2011 through Friday, December 30, 2011. There will be 288 teams participating in the event with over 4,000 players.

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Mayor Bendekovic made the following announcements:

- Dan Keefe was recognized, this was his final Council meeting.
- Winter Wonderland is at the Plantation Historical Museum. Open House is on December 15, 2011 and December 22, 2011. Children's Day with Santa is December 17, 2011 between 10:00 a.m. and 3:00 p.m. The museum is closed from January through February 1, 2012 to break down the holiday exhibit.
- City Closure for the holiday; City Administrative Offices will be closed on Monday, December 26, 2011 and Monday, January 2, 2012 in observance of Christmas and New Years.
- The Broward County Property Appraiser's Office holds a series of community outreach events each month throughout Broward County. This event will begin on January 4, 2012 at the Plantation Outreach Office every Wednesday throughout the month of January 2012 at 2:00 p.m.
- Bike sharing is coming to Broward County.
- Thanks to a grant received from the Broward County Resource Recovery Board, Plantation is lowering the cost of the clear recycling bags and hoping to increase the amount of recycling materials during the month program. The \$1 recycling charge will also be removed on the Utility bills. For residents in the western portion of the City, roll out recycling bins will be provided.
- The Orange Bowl Tennis Tournament for the 16 and 18 year olds was a huge success. We have a commitment that they will be back next year.
- The next City Council meeting will be January 11, 2012.

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## CONSENT AGENDA

As a Commissioner of the CRA, Mayor Bendekovic has a voting privilege on Item No. 12.

Mr. Lunny read the Consent Agenda by title.

4. Approve purchase of yearly maintenance for Microsoft Dynamics system in the amount of \$40,998.60. (Budgeted – IT).
5. Request for authorization of Change Order No. 1 to contract with INFOR Global Solutions (formerly Hansen Information Technologies) in the amount of \$99,995.00 for software modifications and INFOR staff implementation assistance for Utilities Billing system. (Budgeted – Utilities)

**Resolution No. 11403**

6. **RESOLUTION** confirming a Plantation City Lien of Utilities Service Charges for 10151 SW 3<sup>rd</sup> Street. (Cosicher)

**Resolution No. 11404**

7. **RESOLUTION** confirming a Plantation City Lien of Utilities Service Charges for 4500 NW 4<sup>th</sup> Court. (St. Louis-Cadeus)

**Resolution No. 11405**

8. **RESOLUTION** assessing a lien on 841 Camellia Court for the cost to the City of its mowing and clearing said property.

**Resolution No. 11406**

9. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period December 1 – December 7, 2011 for the Plantation Gateway Development District.

**Resolution No. 11407**

10. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period December 1 – December 7, 2011 for the Plantation Midtown Development District.

**Resolution No. 11408**

11. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period December 1 – December 7, 2011.

**Resolution No. 11409**

12. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period December 1 – December 7, 2011 for the City of Plantation's Community Redevelopment Agency.

***Motion by Councilman Tingom, seconded by Councilperson Stoner, to approve tonight's consent agenda as printed. Motion carried on the following roll call vote:***

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

**NOTE:** Mayor Bendekovic voted affirmatively on Item No. 12.

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**ADMINISTRATIVE ITEMS** – None.

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**LEGISLATIVE ITEMS** – None.

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**QUASI-JUDICIAL CONSENT AGENDA** – None.

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### **QUASI-JUDICIAL ITEMS**

Mr. Lunny read the title and waiver requests for Item No. 13.

13. REQUEST FOR APPROVAL OF SITE PLAN, ELEVATION AND LANDSCAPE PLAN APPROVAL FOR PNC BANK AT VISCAYA SQUARE SHOPPING CENTER LOCATED AT 801 NORTH NOB HILL ROAD.

A Staff Report dated December 14, 2011, to the City Council, from Planning, Zoning and Economic Development Department, follows:

**REQUEST:** Consideration of a request for site plan, elevation and landscape plan approval to construct a 4,171-square-foot bank with drive-thru facilities.

#### **WAIVER REQUESTS:**

1. From: Section 27-742(4)(e), which requires a 25-foot drive aisle width;  
To: Reduce the drive aisle width to 24 feet along the south and east sides of the bank building.  
*PZED staff recommends approval.*
2. From: Section 13-41(a)(b)(c)(f). Pedestrian zones along building facades.
  - a. Landscape pedestrian zones shall extend the full width of each façade which abuts a parking or vehicular use area; the minimum width of such landscape zone shall relate to the adjacent structure's wall height.
    - *14 feet required along the northern façade – zero provided.*  
*Staff supports waiver request.*
  - b. One tree shall be installed in this zone per each 30 lineal feet, or fraction thereof, of façade width.
    - *Four trees required along the western façade – zero provided.*  
*Staff supports waiver request; staff requests mitigation for four trees under this request.*
  - c. For all trees required by subsections (b) and (c) 25% of the required trees must be a minimum of 10 feet to 12 feet installed height; the remaining 75% of the required trees must be of installed heights relating to the adjacent wall structure height, as defined in City landscape codes.

- *Two of the three required trees along the southern landscape pedestrian zone must be a minimum of 12' to 14' x 6' with the remaining tree to be a minimum of 10' to 12' x 5' to meet codes – 6' to 7' trees have been provided.*

*Staff supports waiver request.*

**EXHIBITS TO BE INCLUDED:** Planning and Zoning Division report; subject site map; site plan application; Planning and Zoning Board Meeting minutes of October 4, 2011; Landscape Planning Review Board Meeting minutes of September 26, 2011; and Review Committee Meeting minutes of July 26, 2011.

**PLANNING AND ZONING BOARD RECOMMENDATION: APPROVAL** subject to staff comments and conditions. (7/0; October 4, 2011)

**LANDSCAPE PLANNING REVIEW BOARD: APPROVAL** subject to staff comments and conditions. (6/0; September 26, 2011)

**REVIEW COMMITTEE RECOMMENDATION:** No objection to the project moving forward for further review. (July 26, 2011)

**ANALYSIS:**

The subject site is located at the northwest corner of Nob Hill Road and Cleary Boulevard within the Viscaya Shopping Center. The original master site plan was approved by City Council in 1995 and developed with approximately 110,000 square feet of mixed commercial uses. The site is bound by multi-family residential uses to the north and west, public school use across Cleary Boulevard to the south, and commercial uses across Nob Hill Road to the east.

The applicant proposes demolition of the 6,529-square-foot tenant space previously occupied by Blockbuster Video (Retail “E”) and construction of a 4,171-square-foot freestanding PNC Bank with four drive-thru lanes. The proposed building is one-story in height with stucco finishes to match the center, “Autumn Blend” colored brick, white and dark blue accents, and barrel tile roofing material. Along the west side of the building will be a three-land drive-thru with a by-pass lane. An ATM machine will be located within the vestibule located at the southeast corner of the building.

**MARKET STUDY:** The applicant has submitted a Market Study. Staff recommends Board members review pages 1 – 3 which includes the “Conclusions” and “Current Market Penetration”.

**STAFF COMMENTS:**

**Planning:** No objection.

**Zoning:**

**Site Plan:**

1. The orientation of the building is not consistent with the retail where the back of the buildings face south in lieu of the proposed orientation of the PNC Bank where the back of the building faces north to the interior of the center. Staff recommends modification of orientation so the front of the bank faces north.

Elevations:

1. Change paint color SW 6633 Inventive Orange to SW 6634 Copper Harbor to match the center. Please confirm S1 Monierlifetile Tangelo Marble matches the existing roofing material of the center.
2. In lieu of the Autumn Blend brick veneer, staff recommends a brick veneer in the terra cotta color range such as 317 Red OR Cobblestone by Cultured Stone to match the material planned for installation in conjunction with the remodeling of Winn Dixie, the anchor within the center.

Parking

1. Section 27-742(4)(e), required drive aisles to be 25 feet in width. A waiver has been requested.

Details:

1. Prior to submittal of a building permit, provide a detail of the "louvered sunshade brows" and indicate the louver color.
2. Please note up-lighting is not permitted on the exterior of the building.

Easements:

1. Any vacation of easements must be completed prior to issuance of a certificate of occupancy.

Signage:

1. Signage is not part of this review.
2. For reference, the uniform sign agreement for this center requires wall signage to be red, blue, white or green with bronze trim caps and bronze returns. The sign area, based on building size, will be limited to 60 square feet on the east side and 30 square feet on the south side. Logos may not exceed 10% of the allowable sign area. The sign on the south elevation does not meet the code requirements.

**TRAFFIC CONSULTANT:** No objections.

**ENGINEERING DEPARTMENT:**

1. All curbed islands shall be the same length as the parking spaces. Please review.  
*Response: Please extend the curb by the 18-foot space east of the disabled parking to be 18 feet.*  
**Comment addressed.**
2. As shown there will be a conflict with the proposed pedestrian crossing and the back out maneuver of the vehicle in the end parking space. Please remove the conflict.  
*Response: Conflict removed. Please provide Pedestrian Crossing signs on both sides of the drive aisle.*  
**Comment addressed.**
3. The fire truck radius is 50 feet outside; 38 feet inside. Please review.  
*Response: Radii have been corrected. Please include north parking area where truck is shown as going through to verify the turns.*  
**Comment addressed.**
4. Please provide fire lane detail and locations on the site plan.  
*Response: Per the detail, the fire lane may not be a part of the drive aisle. Please revise the plan to show the fire lane markings on the curb.*  
**Comment addressed.**

**Traffic Study Comments:**

The traffic study is acceptable as submitted.

**Permit Comments:**

1. An erosion and sedimentation control plan will be required.  
*Response: Erosion plan submitted is shown using the proposed site plan. The plan shall be shown with the existing conditions. Please revise. Please show location of construction fence and gates. Please also provide details and include the truck wash area.*

**The construction access on the north end should be removed. This access will cause construction vehicles to have to maneuver through too much of the shopping plaza and in front of the grocery store where the majority of pedestrians are. Please just use the south access to Cleary Boulevard.**

2. A demo plan permit will be required.
3. A Maintenance of Traffic (MOT) plan will be required. Please meet with Engineering to discuss.
4. Please provide drainage calculations, signed and sealed by a professional engineer, registered in the State of Florida, as well as approval from OPWCD.
5. 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 (as stated below).

**Note:** A detailed review of the civil drawings has not been performed at this time. If the site plan application is approved by City Council, a thorough engineering review will be performed at the time of application for construction permits. Surface water management permit(s) through Old Plantation Water Control District (OPWCD) and/or SFWMD may be required and a copy(s) provided to the Engineering Department at the time of permit review. The applicant will be required to execute a developer agreement and post security for all engineering and landscape related improvements at the time of permitting.

#### **DESIGN, LANDSCAPE AND CONSTRUCTION MANAGEMENT:**

1. Tree/palm removal and relocation permits as well as mitigation fees must be obtained directly through the Design, Landscape & Construction Management Department at the time of permitting. Please contact Diana at 954/797-2248 directly to obtain required permits.
2. 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.
3. If you would like staff comments forwarded to you via e-mail, please call Judy McBride, Design, Landscape & Construction coordinator at 954/585-2360 or e-mail her at [jmcbride@plantation.org](mailto:jmcbride@plantation.org).

#### Site Plan:

1. Staff concurs with the Zoning Department with regards to the orientation of the building. Staff feels this orientation is not consistent with the adjacent retail where the back of the buildings face south in lieu of the proposed orientation of the PNC Bank where the back faces north. Staff recommends modification of orientation so the front of the bank faces north or east.
2. Code requires landscape pedestrian zones to extend the full width of each façade abutting a parking or vehicular use area; the minimum width shall be half the height of the proposed or ten-foot (paved areas in the lpz may not constitute more than five feet of the required lpz).
  - a. 14' lpz is required along the western façade – zero provided.  
*Staff supports waiver request.*

#### Planting Plan:

1. City code requires 75% coverage at time of planting on all ground cover; please tighten the spacing on the Duranta (i.e. 12' x 12" plants should be planted 12' on-center).
2. Specifications for "Shady Lady" Black Olive are not legible under the plant list; please address at time of permitting.
3. Please clarify VM-T on the planting schedule – I believe the key should correspond with VW-T as noted on the planting plan. Please address at time of permitting.
4. Staff has a concern with the amount of planting material proposed for the planting median along the northern perimeter of the scope of work. (i.e. Plans illustrate the planting of a Live oak and Crape myrtle tree within ten feet of a Gumbo limbo tree).
5. All proposed trees "to be removed" must be mitigated for as per City codes; tree mitigation will be above and beyond code-required trees on the property.

6. 25% of the required trees throughout the landscape pedestrian zones must be a minimum of 10'-2' installed height; the remaining 75% of the required trees must be of installed heights relating to the adjacent wall structure height, as defined in City landscape codes.
  - a. Two of the three required trees along the southern landscape pedestrian zone must be a minimum of 12'-14' x 6' with the remaining tree to be a minimum of 10'-12' x 5' to meet codes – eight-foot trees have been provided.

*Staff reports waiver request.*
7. A minimum of one tree is required every 30 lineal foot, or fraction thereof, of façade width (Three palms = one tree):
  - a. Four trees are required along the western landscape pedestrian zone – zero trees have been provided.

*Staff supports waiver request; staff requests mitigation for four trees under this request.*
8. Please fill in missing trees along the eastern and southern perimeter (North Nob Hill Road and Cleary Boulevard) adjacent to the proposed PNC Bank as per City codes.

**BUILDING DEPARTMENT:**

No objections, comments were addressed at Review Committee.

**FIRE DEPARTMENT:**

No objections as to this request with the confirmation that the Fire Department comments of 7/26/11 were satisfactorily addressed by attached applicant letter of 9/6/11. The applicant is aware that conditions may arise upon review of all required permitting signed/sealed plans.

**POLICE DEPARTMENT:**

1. ATM must provide single user access by the use of a card reader device, preventing unauthorized users from gaining entry into the vestibule (after hours).
2. ATM must provide high risk area lighting requirements outlined by IEZSNA within the vestibule, the lighting must provide good color rendition allowing users and witnesses the ability to see potential hazards within and outside of the vestibule.
3. ATM must not have any landscaping, window signage or any other obstruction blocking the clear and unobstructed view of the activity within the vestibule.
4. ATM must have a door closing and locking system that will prevent unauthorized users the ability to “piggy-back” behind the ATM user, controlling the single entry of users entry and exit (after hours).
5. ATM must be equipped with visible CCTV cameras monitoring all activities within the vestibule and outside of the vestibule.

**UTILITIES:** No objection to the conditional use approval; however, the following comments apply to the site plan.

1. Prior to a Building Permit or Business license being issued, the following must be provided:
  - \$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 or check copy for \$2,000 deposit marked for Utilities Expenses to project cost recovery account.
  3. Onsite improvements and equipment will be required at applicant's expense to support project.
  4. Show all existing water and wastewater facilities on site plan.
  5. Provide plan for vacating easements as necessary.
  6. Maintain all utilities and utilities easements for water and wastewater system access.
  7. Full Utilities plan review and approval is required prior to permitting. No plans are for construction until marked "FINAL".
  8. No structures allowed in utilities easements.
  9. Can existing six-inch lateral handle flow of existing building and proposed bank?
  10. Does the reply "comment noted" mean that you agree with the comment?

**O.P.W.C.D.:**

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

**WASTE MANAGEMENT:**

Applicant will be utilizing existing dumpster on site.

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Mr. Leeds provided a brief overview of the project. This property is located on the northwest corner of Nob Hill Road and Cleary Boulevard. It is currently occupied by a parking lot and by a vacant Blockbuster store. The plan is to demolish the Blockbuster store and construct a freestanding PNC Bank. The applicant and staff are pretty close on most of the conditions. PZED staff is recommending approval of waiver #1 and the Landscape Department has advised that they are supporting Landscape waivers #2A, #2B and #2C. Originally staff had an issue with the orientation of the bank. The front of the stores face in toward the central parking field throughout the entire shopping center and this bank is going to be different; the front actually faces out toward Nob Hill Road. There was quite a discussion about building orientation. The Planning and Zoning Board felt that the building orientation was fine and based on their recommendation he is recommending deletion of site plan comment #1 and Landscape site plan comment #1 so the plan can be approved as submitted.

Scott Backman, representative on behalf of PNC Bank was present.

Mr. Backman provided a brief overview of the project and noted that they have worked through most of the issues and concerns. During that process they have substantially upgraded the architecture proposed on all sides of the building. There are two inline buildings on the south side and at the moment those storefronts face into the shopping center. The Blockbuster, which is the end cap on the eastern most end, has been vacant for quite some time and in negotiations with the landlord they have worked out a plan where the three western most bays will actually remain and the PNC Bank will be constructed as a stand alone bank, separated from the remainder of the inline portion. The three bays will remain then there will be a drive-thru area for the bank in between and then the bank building. The only other issue they have been working through at the staff level has been the

architecture. The building is attractive and inline with the façade improvements that were recently approved and are currently being implemented for the remainder of the shopping center. He pointed out that Mr. Leeds had mentioned the elimination of the orientation comments; however, there are a few other staff comments, in particular Zoning comments under elevations #1 and #2 that he wanted to be sure they were clear on. Under elevation comment #1 staff has suggested changing paint color to a different color. They met with staff last week and are in agreement with the first portion but the second portion talks about changing the roof tiles. The overall shopping center is a three-tier color, and for a number of different reasons including the three different colors, they tend to get dirty as there is a lighter color and a darker color as well as maintaining a little bit of originality for this building. They are proposing the middle of the three colors. They are requesting that Council eliminate that sentence and allow them to move forward with their plan and elevations as submitted.

In response to Councilwoman Uria, Mr. Backman stated that they have a sample; it is the same exact tile; it is just the middle color of the three that are being implemented onto the building for the overall shopping center. The only other item he mentioned was item #2. Through the discussions their architects have had with Planning and Zoning staff, it says, "In lieu of the Autumn Blend Brick Veneer", it is his understanding that Zoning staff is actually all right with the brick veneer proposed, which is kind of a knee wall brick that goes all the way around the building.

Mr. Leeds referenced elevation #1 and noted that the issue that deals with the roof color was to find some that was as close to the existing roof as possible. The concern is that this roof will not look bad it will just look different from the center. If Council is all right with that he will delete the second sentence of comment #1 under elevations. He advised Mr. Backman that he would need to know the name of the middle color.

Mr. Backman indicated that the color is tangelo marble for the roof tile.

Mr. Leeds commented that Mr. Backman has advised that the color is tangelo marble but this is S1 monierlife tile. He believes it is a different color. He is willing to go with a different color he just wanted it noted in the record.

In response to Councilwoman Uria, Mr. Backman stated that it is their understanding from discussions with staff that when it says, "Match the existing roof material with the center", that there was an intention to include all three colors not just the one color. They are requesting just the one color.

Mr. Leeds advised that if the Council is in agreement he would leave the clause in that says, "Please confirm S1 monierlife tile tangelo marble" and cross out the rest of the sentence.

Councilwoman Uria did not have a problem with that as long as it matches.

Mr. Leeds indicated that he was not familiar with the conversation regarding item #2 as Mr. Backman spoke with Gayle Easterling, Senior Planner. The idea was to try to have the bank match the new motif of the new Winn Dixie, which is going to be different and upgraded. He was not aware of staff withdrawing from that position; therefore, he will leave it up to Council.

Councilwoman Uria commented that the brick color is neutral; just about anything could go with it. In her opinion, she liked the autumn blend better than the terra cotta.

Mr. Leeds stated that in reliance of Mr. Backman's statement that he has confirmed this with Ms. Easterling, we can approve the autumn blend brick veneer.

In response to Mr. Leeds, Mr. Backman indicated that they are requesting the autumn blend for the entire lower portion of the building and eliminating the remainder of the conditions.

Mr. Leeds clarified that they are requesting autumn blend brick veneer and no cultured stone.

In response to Councilperson Stoner, Mr. Leeds did not know the age of the existing roof and did not know whether it has ever been replaced. With regard to criteria, the intent was to make the bank roof tile match what is currently on the shopping center. We are in an area of subjectivity; you have to decide if you want everything to look as close as possible or are you all right with differences between buildings within a shopping center. The objective is to try to get all of the buildings to match but that is really a subjective issue; some people do not always agree with that. Council needs to make a decision; if you are all right with the differences between the buildings then you vote in favor of the changes.

In response to Councilwoman Uria, Mr. Leeds advised that a reason not to require them to do so is because there are ongoing negotiations with the landlord.

Councilperson Stoner mentioned the trees in the swale and noted that there are overhead wires. She questioned whether that has to do with what Engineering and Public Works is talking about relating to the stormwater program. She also questioned why additional trees would be put in the swale.

Mr. Leeds indicated that there is a combination of existing trees and new trees. If you want to discuss whether or not to plant new trees he would have to defer to Mr. Ezzeddine.

Ryan Thomas, Civil Engineer, was present. He stated that four trees are proposed and they are outside of the limits of the swale and not anywhere near existing overhead power lines. There are a lot of existing trees but there are only four proposed trees and they are not in the right-of-way.

Mr. Leeds noted that he spoke with the Landscape Plan Examiner and item #8 under the Landscape Architecture Planting Plan has been resolved. This comment will be deleted.

Mayor Bendekovic referenced mitigation of trees and questioned where the four trees will be put or whether we are going to be funded in our tree reserve. She questioned why we don't tell the applicant to place the stone because it is classier looking than autumn brick veneer.

Mr. Leeds indicated that mitigation generally means that they will be funded in the tree fund. With regard to the stone, the recommendation is that they go with the cobblestone. He would rather have the stone and if that is what Council wants, that portion of comment #2 should be left.

Councilwoman Uria commented that she would prefer to have the cultured stone.

Mr. Backman stated that the cultured stone look that they were shown for the Winn Dixie, which they understand is still in discussion, runs up the length of the columns and is high maintenance. One of the reasons they are proposing something other than stone is because it is all located behind almost all of the proposed landscaping at a very low level on the building. They worked this comment out with staff and he does not believe that the cultured stone look is really appropriate for this type of building in this location.

Councilwoman Uria commented that the building looks modern and in her opinion the brick veneer would go better; however, she likes the cultured stone better.

In response to Councilwoman Uria, Mr. Leeds stated that he did not know if there was a major difference in the maintenance between the brick and stone. We expect the shopping centers to last 20 years and we try to build as much quality into the exterior as possible. He is hearing that there is support for the cultured stone and he would go with that. He did not believe that Planning and Zoning had a problem with this comment; they approved it with this comment.

Mr. Backman indicated that they have spent a lot of time with staff to modify the building so that it is compatible with the overall shopping center; paint colors, materials, etc. In particular, the northern elevation; the building has been shifted from the standard prototype to blend significantly better with the overall Viscaya Shopping Center.

Councilwoman Uria requested that they go over the traffic flow; there are some concerns with the drive-thru lanes.

Mr. Thomas advised that the two entry points to the center, one off of Nob Hill Road and one off of Cleary Boulevard remain exactly the same. The basic function of this drive aisle remains the same only now there is an exit of the drive-thru coming out into that drive aisle. The two buildings already have an existing alley way, they are on the east side.

In response to Councilwoman Uria, Mr. Butler indicated that we have evaluated the traffic circulation patterns and are fine with what is proposed. Initially there were some issues; however, the applicant worked with staff and solutions were found.

Mr. Thomas stated that the area is wide and there will be double stops.

In response to Councilwoman Uria, Mr. Butler indicated that there is nothing about the site plan that would want us to prevent them from making left or right turns; it is fine to make both.

Mr. Leeds advised that they worked with the applicant in terms of the bank orientation and they have allowed the applicant to change the paint color. He believes we should go with the cultured stone under comment #2.

In response to Councilwoman Uria, Mr. Leeds believes that the cultured stone will look good with their design. In his opinion, it adds diversity and takes it further away from being a box.

***Motion by Councilman Tingom, seconded by Councilwoman Uria, to approve Item No. 13, approval of site plan, elevation and landscape plan approval for PNC BANK at Viscaya Square Shopping Center located at 801 North Nob Hill Road, subject to comments pertaining to the cultured stone and the deletion of other comments as stated earlier. Motion carried on the following roll call vote:***

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

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Mr. Lunny read the Resolution, request and waivers.

**Resolution No. 11410**

14. **RESOLUTION APPROVING NINE TOWNHOUSE BUILDINGS WITH A TOTAL OF 66 UNITS AS A CONDITIONAL USE TO BE LOCATED WITHIN A PRD-10Q ZONING DISTRICT ON PROPERTY LYING IN SECTION 2 TOWNSHIP 50 SOUTH, RANGE 40 EAST AND DESCRIBED AS PARCEL "A: OF THE EMERALD CREEK TOWNHOMES PLAT AS RECORDED IN PLAT BOOK 176, PAGE 186, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA (GENERALLY LOCATED AT THE NORTHWEST CORNER OF FLAMINGO ROAD AND BROWARD BOULEVARD). PROVIDING FOR CONDITIONS AND LIMITATIONS ON THE ALLOWED USE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFOR.**

-AND-

CONTINUED REQUEST FOR SITE PLAN, ELEVATION AND LANDSCAPE PLAN APPROVAL FOR EMERALD CREEK LOCATED AT 12401 WEST BROWARD BOULEVARD.

A Staff Report dated December 14, 2011, to the City Council, from Planning, Zoning and Economic Development Department, follows:

**REQUEST #1:** Conditional use approval to allow 66 fee-simple townhomes in a PRD-10Q district.

**REQUEST #2:** Site plan, elevation and landscape plan approval.

**ZONING WAIVER REQUESTS:**

1. From: Section 20-126(b), which requires payment of park impact fees at the time of site development plan approval;  
To: Allow payment of the park impact fees at the time of building permit submittal.
2. From: Section 27-688(d), which requires that portion of the PRD perimeter abutting a single-family residential district (located to the west/northwest) to be planned and developed with the same adjacent unit type.  
To: Allow townhouse units to abut single-family residential units.

**DESIGN, LANDSCAPE AND CONSTRUCTION MANAGEMENT:**

1. From: Section 13-41(a)(b). Pedestrian zones along building facades.  
Landscape pedestrian zones shall extend the full width of each façade that abuts a parking or vehicular use area; the minimum width of such landscape zone shall relate to the adjacent structure's wall height.  
To:
  - a. 14' required along the southern façade of Building 7 – 11' provided.
  - b. 14' required along the southern façade of Building 9 – 8' provided.
  - c. 14' required along the western façade of Building 8 – 9' provided.
  - d. 14' required along the northern façade of Building 5 – 5' provided.
  - e. 14' required along the front of Buildings 1 through 9 – 0' provided.

## **PZED EXECUTIVE SUMMARY:**

On November 16, 2011, the City Council considered the application. The Council did not defer to a date certain but instead referred the plans back to staff relative to design (townhouse stagger) and parking garage concerns.

On December 2, 2011, the applicant submitted four copies of revised plans for review by PZED, Landscaping, and Engineering. The revised plans also showed revisions affecting the Utilities Department and the Fire Department. Parking and design revisions are as follows:

- Interior parking garage dimensions have been increased to 11' x 19' with a nine-foot wide door.

*PZED supports this change and recommends amending the parking code accordingly. PZED also recommends amending the parking code to require the following for townhouse and single-family homes:*

- a. Three parking spaces, including one garage space for each dwelling containing three bedrooms, and*
- b. Four parking spaces including two garage spaces for each dwelling containing four or more bedrooms.*

- Unit offset has been increased from 8" to 16".

*PZED maintains its original five-foot offset recommendation but acknowledges the 16" offset is an improvement over the original design.*

Because the City Council did not continue the initial plan to a "date certain", the City code requires a new ten-day advertisement. The revised plans were submitted on December 2, 2011, too late to meet the ten-day advertised notice required for the December 7, 2011 or December 14, 2011 meetings.

At the December 7, 2011 City Council meeting, the City Attorney, based on the circumstances of this case, rendered an opinion that the subject site plan and conditional use could be reheard by the City Council on December 14, 2011. Based on the City Attorney's opinion, staff requested the applicant submit additional copies for City Council review.

## **PZED RECOMMENDATION:**

If the City Council still has concerns regarding the revised plans, the Council shall defer the application to a time certain, January 11, 2012 City Council meeting. If the City Council wishes to approve the revised plans as submitted, approval should be subject to the following:

1. All Department staff comments included in the November 16, 2011 staff report (attached).
2. If the Council wishes to approve the 16-inch offset in lieu of the recommended five feet, the approval motion should stated accordingly.
3. The review departments have not had ample time to review and complete written comments for the revised plan (three weeks allowed for review, report preparation and consolidation). PZED is requesting the affected departments to review the revised plans and submit e-mail comments to PZED by 3:00 p.m. on December 14, 2011. These comments will be consolidated by PZED and presented to the City Clerk for distribution at the meeting. Departments also have the option of presenting any comments on the floor at the City Council meeting.

4. Approval of waivers as submitted.

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Mr. Lunny reads the title and the waivers.

Councilwoman Uria commented that she had a discussion with Bill Laystrom, Attorney, and it will not affect her vote.

Bill Laystrom, Attorney, was present on behalf of the applicant.

Mr. Laystrom provided a brief presentation of an elevation to show the revised 16-inch stagger. In addition to the stagger along the rear elevation which faces Flamingo Road they also have an elevation roof over each of the first floor patios. They have added improvements to the windows and roofs in order to make this elevation look sharp. There is also a buffer; they have lightened the landscaping that will be along Flamingo Road. He believes they have done a good job of putting together something the City will be proud of and that will assist in attracting purchasers to the project. With regard to the garage size, they reworked the garages. There is now a nine-foot wide door; it is an 11 x 19 interior garage (clear). With regard to parking on site in addition to the size of the garage, they reviewed their calculations. Code provides for 2.5 spaces per unit and they have built it out at three spaces per unit. In addition, there are 18 additional visitor parking spaces, which is one over code and basically .5 spaces over code. He understands that Mr. Leeds has come up with some suggestions to modify the code to strengthen parking. There are a total of 40 spaces over the code due to the fact that additional parking was added at the ends of the roadway. There was a comment from Engineering expressing a concern about making sure that vehicles could back out of the spaces. Those concerns have been resolved with Mr. Butler. Mr. Laystrom mentioned Bridgewater, an older project, and noted that they had an even mix of two and three bedroom units and they were parked at two per unit with eight total visitor spaces. At that time the calculation was 248 units and it is now 315 units. He believes there is ample parking on the project and thinks it will meet the requirements of the garages. Another commitment he has made is that the City will be authorized to issue tickets within the project, which was a request of both the Police and Fire Departments. There was discussion about the ability to get around the project and the width of the roadways. One of the reasons the cross section in the code is actually at 20 feet is because it creates an automatic requirement that all of the buildings be sprinkled. Each of the residential units is sprinkled; that code does not apply except when staff has the ability to request it. Mr. Laystrom indicated that he had a discussion with Mr. Butler regarding the bond for improvements on 125<sup>th</sup> Avenue. They are all right with whatever bond Mr. Butler sets.

In response to Councilwoman Uria, Mr. Laystrom advised that the total outside parking spaces provided is 223 and the total required is 183.

Jeff Alexander was present.

In response to Councilperson Stoner, Mr. Alexander advised that the system supplies water to the entire building, not the unit, and it is not dictated by the meter.

Councilman Tingom questioned how many four bedroom units are in this project. His concern is that a four-bedroom unit will probably have a need for a lot of parking. He questioned whether there would be any way that the four-bedroom units would have more parking.

Mr. Laystrom stated that there is one four-bedroom model; a three-bedroom model that is convertible to a fourth if needed, and two models that are three bedrooms. The exact mix would depend on how many people bought each of the units. Because of the way the parking is now, there will be 40 extra spaces over and above code and visitors for those units. Currently there are 35 four-bedroom units.

Mayor Bendekovic expressed concern with parking for the four-bedroom units. She thinks there will be an issue with the parking, which means there will be calls to our public safety department for assistance. She questioned whether there is any way that we can have a deed restriction that says that the parking will be put back onto the Homeowners' Association so that they can monitor the parking and our police officers do not have to constantly act as parking referees. She believes that the Homeowners' Association should be responsible.

Mr. Laystrom advised that each unit has two parking spaces in front plus the garage.

Mr. Lunny indicated that a covenant can be recorded against the property; however, it is not practical. Many people do not always check the property covenants or do not keep up to date with them and if there is a breach of the peace as a result of some conflict law enforcement is going to respond anyway. While it might be a legal solution, in a practical sense he does not think it will be much value.

Mr. Laystrom stated that the purpose of signing the provision for the police is what he calls a secondary opportunity. They will include in the deed restrictions and in their requirements for both individual unit owners as well as the Association to monitor and correct those problems. The only time he anticipates the City being called is those few times when there is a person who will not comply then they would want them ticketed as a back up. If there are certain costs associated with the City that is something they could consider as well. He needs to have an idea of what costs typically are for a ticket and a police officer for an hour.

Mr. Lunny commented if that is something the Council wants to include, Chief Harrison and his Legal Advisor will try to advise what the costs would be and that can be worked out afterwards.

In response to Councilwoman Uria, Mr. Lunny advised that the City or Chief Harrison can dictate to the Homeowners' Association that they have to be stronger. Sometimes Homeowners' Associations go out of business and sometimes they become bankrupt. It may not be a practical solution. Here, one would question if this is going to be something the Council is going to do in the future, where the parking is in excess of codes and where there is not really any staff comment other than the reservation in Mr. Leeds' memo that there may be other issues from life safety departments that did not get turned in on time. In the absence of some staff comment that validates this observation, he feels that this might be a new precedent that Council might not want to go too far with.

In response to Councilwoman Uria, Mr. Alexander indicated that their intention is to have a management company.

Councilwoman Uria stated that management companies are very strict and she thinks it can be done between the Homeowners' Association and the management company. She appreciates the interior of the garage being larger but she thinks that the Code needs to change for residential areas like this. Some concessions have been made and her main concern was the parking.

Mr. Leeds indicated that a supplementary staff report was submitted to Council and you do have the authority under the conditional use authority if you choose to require a two-car garage for a four-bedroom unit.

In response to Councilwoman Uria, Mr. Leeds advised that he is not saying that the parking requirement for three and four-bedroom units should be the same. A three-bedroom is a closer call but long term, if there is a two-car garage for a townhouse that is three or four bedroom, it will be worth more money and more desirable down the road. He thinks it is a good idea for a four-bedroom unit to have two garage spaces and two parking spaces. He can certainly make the change; Council has the authority to make that change at this meeting if they wish to do so. The 11 x 19 space for the single car garage meets minimum standards that he would recommend and that has been provided. The issue with the stagger, it is not what we wanted but it is an improvement. If he were asked what is more important, the stagger or the parking, he would say the parking. If Council chooses to approve the plan as is he would suggest that it be approved subject to the staff report of November 16, 2011 and a motion be made to also allow the 16-inch offset and approve the waivers as submitted if you are satisfied with the plan. If you are not satisfied with the plan there are options.

Mr. Lunny stated that to the extent there are waivers proposed Council can choose not to grant those waivers and return for site concessions and in that regard view the requirements as minimum. When a project comes in and meets code requirements and is not asking for waivers that are not unusual for the City there would be less discretion. The waiver he would consider significant is to not have perimeter single-family dwellings, which would affect the density.

Councilman Tingom noted that there were some comments made that were appropriate during the last meeting and an attempt has been made to meet some of those requirements. He does think that the City needs to revisit the parking ordinance. This does meet minimum standards and modifications have been made, meeting the Fire Department requirement. As we move forward with additional projects in the City parking waivers may be more difficult to achieve.

In response to Councilwoman Uria, Mr. Laystrom indicated that Mr. Alexander originally had discussion with the neighborhoods surrounding this location.

Mr. Alexander advised that he had a meeting with the President of the Homeowners' Association just to the north of the townhomes. They used a copy of our site plan and elevations to show residents of the community and there has not been any objection.

***Motion by Councilman Jacobs, seconded by Councilman Tingom, to approve Resolution No. 11410 and the request for site plan, elevation and landscape plan approval for EMERALD CREEK, located at 12401 West Broward Boulevard, subject to staff comments and the December 14, 2011 staff report. Motion carried on the following roll call vote:***

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

\* \* \* \* \*

#### **COUNCILMEMBERS' COMMENTS**

Mayor Bendekovic made the following comments:

- With regard to the question raised last week about the flag located right outside of City Hall; the flag is the Florida Green Building Coalition Flag; it is for the Gold Local Government Certification that we earned. It is not the flag that a resident had indicated.

- The new ethics law is going into effect as of January 2, 2012. Each of the Elected Officials will have to have eight hours of certification on “Building the Culture of Ethics”. A handout was distributed that indicates where some of the seminars will be held.

In response to Councilwoman Uria, Mr. Lunny advised that the City can pay for the certification; he assumed there would be some staff training somewhere in the budget. It is an expense.

Mayor Bendekovic stated that she would see what is in the budget and would bring the information back to a future meeting.

In response to Councilman Jacobs, Mayor Bendekovic commented that she was not aware if the seminar was available by tape.

Mr. Lunny indicated that the ordinance says eight hours of training.

In response to Councilman Jacobs, Mr. Lunny stated that he already has some time and when meeting with him after the fiscal year that will count towards his credit.

- There will be a \$25 fee for lobbyist registration, which will be done via Internet.
- She wished everyone a Merry Christmas, Happy Hanukah, or Happy Holiday and a Happy and Healthy New Year.

\* \* \* \* \*

Councilman Tingom wished everyone a Happy Holiday Season.

\* \* \* \* \*

Councilperson Stoner wished everyone well and hopes that everyone will drive safely during the Holiday Season.

\* \* \* \* \*

Councilwoman Uria wished everyone a Happy Holiday and a Happy, Healthy and Prosperous New Year.

\* \* \* \* \*

## **PUBLIC REQUESTS OF THE COUNCIL CONCERNING MUNICIPAL AFFAIRS**

Dennis Conklin, resident, made the following comments:

- He mentioned the green flag that is part of Resolution No. 10481, which he has been requesting be repealed. This is an ICLEA organization and that was his objection to the original implementation of this resolution.

In response to Councilwoman Uria, Mr. Lunny indicated that the flag was Florida Building Green Coalition and it is for the Gold Local Government Certification that we earned. Mr. Conklin stated that this organization is the United Nations ICLEA 21.

Councilwoman Uria requested that Ms. Slattery provide a copy of this resolution at the next meeting.

- At the beginning of this year he objected to the purchase of properties with taxpayer money and then going back and spending money on walls in Westgate Lake or what they refer to as E Lake in Park East. In his opinion, these walls look terrible.

In response to Councilwoman Uria, Mayor Bendekovic advised that the funding for the walls is from the NSP; the Neighborhood Stabilization Program.

Mr. Keefe clarified that the two houses were purchased through NSP funds and the walls were purchased through 2003 bond funds from the City; they are not connected with NSP nor CDBG funds. This was basically a demonstration project with the hope that other properties may do the same along Broward Boulevard. The Urban League who owns the two properties has entered into an agreement with the City to do the maintenance and upkeep of the walls.

Mr. Lunny commented that those properties in their current condition are far better than the dilapidated structures that were there before. The City's NSP Program is a wonderful program that has received a lot of recognition for its success and the walls, as Mr. Keefe stated, were a demonstration. The Council did approve amending our ordinance to make that a typical wall so in the future if a person wants to put up a fence they do not need to use that model but if they wish to put up a wall, that is the kind of wall and that is how it will look.

- He requested that Council consider renaming NW 65<sup>th</sup> Avenue/NW 5<sup>th</sup> Street after President Ronald Reagan. He noted that he would pay for the signs.

Councilwoman Uria advised that Council will take that under advisement.

- He wished everyone a Happy Hanukah and Merry Christmas.

\* \* \* \* \*

## **SEALED COMPETITIVE SOLICITATIONS**

Mr. Lunny read the title for Item No. 15 along with two comments about the memorandum; one is that the term of the contract is a two-year term with four one-year options and after the item is acted upon one vendor chose to drop out; therefore, the resolution title will be changed, which will be read after Council acts on the item.

15. REQUEST FOR APPROVAL TO AWARD CONTRACT FOR DEBRIS MANAGEMENT SERVICES BASED ON SEALED PROPOSALS OPENED ON NOVEMBER 22, 2011. (IN CONFORMANCE WITH CHAPTER 2011-140, LAWS OF FLORIDA THE BACKUP INFORMATION IS NOT PUBLIC AT THIS TIME.

***Motion by Councilman Tingom, seconded by Councilwoman Uria to approve Item No. 15. Motion carried on the following roll call vote:***

Ayes: Tingom, Jacobs, Uria

Nays: Stoner

Councilperson Stoner mentioned that there is no matrix showing how everyone was ranked and rated by each of the Selection Committee members; there is no contract attached to review.

Mr. Lunny advised that it is not included in the agenda package; however, you can ask Administration how the scoring occurred and you can see the RFP; you have access to that. The contract is in accordance with the issued RFP and is substantially the same as the existing contract as amended by the first amendment and there were some additional changes.

Councilperson Stoner commented that the contract is modified and she questioned why she would approve a contract without reviewing it.

Mr. Lunny indicated that the contract is on file and Administration will be happy to give it to you.

In response to Councilperson Stoner, Mr. Lunny stated that almost all of the resolutions give Administration the authority to finalize contracts and make changes to contracts and very rarely do you actually see the final version.

Councilperson Stoner commented that the scenario starts differently at the beginning and it usually starts with Council approving the RFP and the budgeted amount before it is put out on the street; otherwise, we would not have any idea what is going on.

Mr. Lunny believed that we went out to seek proposals and there was a problem; Council was advised and the RFP was issued and re-noticed and has been out for quite some time. If you wish to defer and read the contract that is fine; if you wish to approve it subject to the finalization of the contract, which is the normal custom; that is fine; if you wish to have a matrix or review the scoring, you can. No one has filed a protest as to any of the scoring that has occurred. This is a new process for the City, at this moment a lot of that is confidential. If you wish to have more things included in the confidential information they will be happy to do so in the future.

Mayor Bendekovic questioned whether this could be deferred since it was already opened.

Mr. Lunny understood that the Councilperson only wishes to see the proposed contract and that can be provided later. This can be approved subject to review. This was patterned after the RFP and after the existing contract and the first amendment and there were some modifications that came up during his discussions with Administration about clauses that would be appropriate.

In response to Councilperson Stoner, Councilwoman Uria indicated that it would be appropriate to request Councilman Tingom make a friendly amendment.

Councilperson Stoner wanted to amend the motion so that it is subject to Council's review and approval of the terms of the contract.

In response to Councilwoman Uria, Mr. Lunny advised that the contract was not distributed because this is a confidential award. He stated that the contract will be included in the agenda material next time.

Councilperson Stoner believes that at a minimum there should be a matrix for every project that comes forward.

Mr. Lunny indicated that matrix information can be reviewed; you can call prior to the meeting and speak with Mr. Keefe or Mr. Shimun and review the information, or it can be copied and provided at the meeting. In this particular RFP we have the pricing, he has indicated what the contract says; it will be released to the proposers when and if you approve this. Their comments will be received and the item will be closed the way we normally do. The contract document was not finished by the agenda cutoff date; it was completed today.

Councilperson Stoner commented that she is not comfortable approving a contract that she has no knowledge of the terms. We have a fiduciary responsibility to review these things.

Mr. Lunny stated that if Council wishes that staff duplicate all of the information and distribute it they will abide by that. He is happy to do so but sometimes it will be a lot harder to fit that in an envelope. If some of the Council does not want all of that information they can review it prior to the meeting.

Councilperson Stoner advised that for her at a minimum, she thinks that the matrix is something that she would like to see and then if she has a question it will be extended. The County matrixes have a standard list of questions and everybody ranks them.

Mr. Lunny stated that he is confused because they did a request for competitive proposals so there was a qualifications review and then there were price proposals, which were then averaged so there would be uniform pricing.

In response to Mr. Lunny, Councilperson Stoner indicated that she would like both, the qualifications and the price proposals.

In response to Councilwoman Uria, Mr. Lunny advised that as we go forward any of the scoring summaries is what is being requested. If more information is required you can contact Administration.

Mr. Keefe stated that the pricing and the scoring should have been included in Council's information. The memo said, "If anyone wanted to see any qualifications or any other documents the City Clerk had them on file".

Mr. Lunny stated that the average pricing was included. He noted that there is a summary sheet on the total points; however, the Councilperson wants to know how we got to the final numbers.

Councilperson Stoner commented that Council should not have to ask for standard backup. As this process evolves she does not want the entire backup. She wants to know how the RFP's were ranked and the basis for the numbers.

Mayor Bendekovic advised that they are very aware of what goes on a matrix and it depends on what you consider standard. This was probably standard as to what we have always done. If you want something in addition Administration will be more than happy to give it to you. Every document will be supplied to you and Councilwoman Uria. If the other Council members want the information they will be happy to do it. What was provided tonight was what has always been provided in the past.

Councilwoman Uria stated that this is a new process and when looking at our perspective backgrounds this is something that Councilperson Stoner deals with so she may want more than other Council members. To her, it would be interesting to review and to learn.

In response to Councilwoman Uria, Councilman Tingom refused to accept the amendment.

Attorney Bill Laystrom was present on behalf of one of the bidders, Ashbrit. He advised that they withdrew as they would like to see the matrix. In order to be one of the three selected he has to bring his rate down and he believes that is unfair. He would much rather Council pick the three and have them stick with their price. They cannot compete for prices that other people bid, and that is what this blended rate forces them to do. He wants to see the matrix to determine how different the numbers are; he thinks they are bailing out somebody who has a low bid and forcing his number down. He stated that his client, Ashbrit, participated in this process twice, which has gotten strange. They are requesting that you take back the blended rate, look at the matrixes and decide whether you should really be forcing their rate down or whether they should be one of those people that are allowed to serve the City of Plantation. They have been through the entire process and would appreciate the consideration. He would appreciate an opportunity to look at the documentation surrounding the scoring.

Mr. Keefe clarified that there was a pre-bid meeting; pre-qualifications, and one of the things all of the proposers were told that qualifications would be submitted and that pricing would be reviewed and averaged and then vendors would be selected. Everyone was aware and that was part of the process; if they did not want to do it they should not have bid. The last part was doing the averaging of the price and then the vendors were contacted to see if they would accept that price and one did not.

Mr. Lunny stated that all were determined more qualified than others; all were asked to submit competitive proposals and the procurement document said that the City would be averaging the pricing at the end and would use the average pricing. Administration asked him if they could have one uniform pricing schedule at the end and the answer, legally, is yes you can as long as it is disclosed up front that whatever the competitor proposals are, the City will average that and tell everybody what the averages are and they can say they are still in or not in. That is exactly what Administration did and one person said that they did not wish to do that. The process is that this is still confidential. There was never any specification protest filed over the specifications so once this is done and becomes public, if Mr. Laystrom wants to make sure that his client or did not make an informed decision he can do so, the information will be public to him and he has a certain time period. If Ashbrit changes their mind and wants to accept the average pricing we would be more than happy to let them do so because we would have four rather than three. He understands that there are problems with this new State Law and we are trying to awkwardly go through this process. He apologized that it was not completed as they wanted in a timely way and with the kind of disclosures but it will be done next time. Mr. Lunny stated that if the motion passes he would read the revised resolution.

Mr. Lunny read the resolution.

**Resolution No. 11141**

**RESOLUTION APPROVING A COMPETITIVE PROCUREMENT CONTRACT FOR DEBRIS MANAGEMENT SERVICES BETWEEN THE CITY OF PLANTATION AND ASHBTRIT, INC., BERGERON EMERGENCY SERVICES, SERIES ENVIRONMENTAL SERVICES, INC., AND CROWDER GOLF; AUTHORIZING SEPARATE CONTRACTS WITH EACH SUCCESSFUL COMPETITIVE PROPOSER CONSISTENT WITH THE TERMS AND CONDITIONS OF THE EXISTING CONTRACTS FOR THESE SERVICES AS MODIFIED BY THE TERMS OF THE APPLICABLE REQUEST FOR A COMPETITIVE PROPOSALS DIRECTING THE MAYOR AND CHIEF ADMINISTRATIVE OFFICER TO EXECUTE SAME; AUTHORIZING STAFF AND THE**

CITY ATTORNEY TO FINALIZE THE CONTRACTS; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

*Motion by Councilman Tingom, seconded by Councilman Jacobs, to approve Resolution No. 11141. Motion carried on the following roll call vote:*

Ayes: Tingom, Jacobs, Uria  
Nays: Stoner

\* \* \* \* \*

**WORKSHOP** – None.

\* \* \* \* \*

Meeting adjourned at 9:30 p.m.

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Sharon Uria, President  
City Council

**ATTEST:**

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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.

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Susan Slattery, City Clerk