

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

JANUARY 28, 2009

The meeting was called to order by Councilman Petrocelli, President of the City Council.

1. Roll call by the City Clerk:

Councilmember:	Diane Veltri Bendekovic Jerry Fadgen Robert A. Levy Rico Petrocelli Sharon Moody Uria
Mayor:	Rae Carole Armstrong
City Attorney:	Donald J. Lunny, Jr.

* * * * *

2. The invocation was offered by Councilman Petrocelli.

The Pledge of Allegiance followed.

3. The minutes of the City Council meeting for December 10, 2008 were approved as presented.

* * * * *

ITEMS SUBMITTED BY THE MAYOR

Mayor Armstrong presented Service Awards to the following City employees:

Officer Michael Brutto	Police	15 years
Viola Okragleski	Landscape	15 years
Earl Boyd	C/S Public Works	10 years
Officer Tracy Fox	Police	10 years
Willie Mellion	Central Services	5 years

Congratulations were offered.

* * * * *

Mayor Armstrong advised the Election Connection will be at Plantation City Hall on Monday, February 9, 2009 from 10:00 a.m. to 3:00 p.m.

Mayor Armstrong announced that Doggy Palooza, which is a Dog Expo, will be held on Saturday, January 31, 2008 from 10:00 a.m. to 3:00 p.m. at Happy Tails Park. The fee is \$1 for human companions and free for dogs.

Mayor Armstrong noted the final pick up for Christmas trees is Friday, January 30, 2009. Trees can be dropped off at Public Works Department at 750 NW 91st Avenue any time.

Mayor Armstrong indicated there is a Town Hall Meeting being hosted by Senator Nan Rich, Representative Franklin Sands and Representative Martin Kiar on February 26, 2009 at 7:00 p.m. at Sunrise City Commission Chambers.

Mayor Armstrong advised there are several Candidates Forums being held in the City of Plantation in order for the residents to meet the candidates for the March election.

February 10, 2009 - Deicke Auditorium - 11:30 a.m. (Sponsored by the Plantation Woman's Club)

February 10, 2009 - Volunteer Park - 7:30 p.m. (Sponsored by Plantation Acres Homeowners' Association)

February 16, 2009 – Community Clubhouse – 7:00 p.m. (Sponsored by Lauderdale West Homeowners' Association)

February 17, 2009 – Jim Ward Community Center – 7:00 p.m. (Sponsored by Park East and Country Club Estates Homeowners' Association)

March 3, 2009 – Volunteer Park – 7:00 p.m.

* * * * *

CONSENT AGENDA

As a Commissioner of the CRA, Mayor Armstrong had a voting privilege on Items No. 13, 14, and 15.

Mr. Lunny read the Consent Agenda by title.

4. Approve purchase order in favor of Ashbrook Simon Hartley, Inc. in the amount of \$40,340 for seven sluice gates for the Regional Wastewater Treatment Plant's preliminary treatment building. (Budgeted – Utilities)

Ordinance No. 2425

5. Second and Final Reading of an **ORDINANCE** of the City of Plantation, Florida, rezoning plus or minus 3.8 (+/-) acres from B-6P (Institutional Educational district) to I-LP (Light Industrial District); in accordance with the City of Plantation Comprehensive Zoning Ordinance, Chapter 27-391; property lying in Section 34, Township 49 South, Range 41 East, Parcels "A" and "B" of "Doctors General Hospital Plat", according to the plat thereof as recorded in Plat Book 102, Page 31 of the Public Records of Broward County, Florida, more specifically located on the northeast corner of West Sunrise Boulevard and NW 11th Place, said lands situate in the City of Plantation, Broward County, Florida; providing findings; providing a savings clause; and providing an effective date therefor. (Federated Holdings)

Ordinance No. 2426

6. Second and Final Reading of an **ORDINANCE** pertaining to the subject of Comprehensive Planning; adopting the annual amendment to the Capital Improvements Element of the Comprehensive Plan of the City of Plantation; and approving transmittal of the amendment to the Department of Community Affairs and the related agencies for the purposes of sufficiency review in accordance with the Florida Statutes.

Resolution No. 10473

7. **RESOLUTION** confirming a Plantation City Lien of Utilities Service Charges for 452 SW 63 Terrace. (Katz)

Resolution No. 10474

8. **RESOLUTION** confirming a Plantation City Lien of Utilities Service Charges for 1241 NW 107 Terrace.

Resolution No. 10475

9. **RESOLUTION** confirming a Plantation City Lien of Utilities Service Charges for 1182 NW 78 Way. (Fiorentino)

Resolution No. 10476

10. **RESOLUTION** confirming a Plantation City Lien of Utilities Service Charges for 6515 SW 20 Ct. (Rodriguez)

Resolution No. 10477

11. **RESOLUTION** confirming a Plantation City Lien of Utilities Service Charges for 6870 NW 14 St. (Brannam)

Resolution No. 10478

13. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period January 2, 2009 – January 7, 2009.

Resolution No. 10479

14. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period January 9, 2009 – January 14, 2009.

Resolution No. 10480

15. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period January 16, 2009 through January 21, 2009.

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

Ayes: Levy, Uria, Bendekovic, Fadgen, Petrocelli

Nays: None

Note: Mayor Armstrong voted affirmatively on Items No. 13, 14, and 15.

* * * * *

Resolution No. 10481

12. **RESOLUTION** 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.

Mr. Lunny read Resolution No. 10481 by title.

The Report and Recommendations to Mayor and Members of City Council from Daniel W. Keefe, Assistant to the Mayor, follows:

REQUEST: Approve resolution.

ANALYSIS: The City recognizes that global climate change is a real and valid concern for our generation, and future generations as well. We are committed to reducing harmful greenhouse gas emissions, a significant contributor to global climate change. The City of Plantation understands that its employees, residents and businesses do have in fact an effect on the local, regional and global environment. We believe that successful environmental stewardship will enhance local and national energy savings efforts, lessen the City’s negative impact on the environment, protect natural resources for future generations, and result in long term cost savings.

To this end, Mayor Rae Carole Armstrong has created a “Global Climate Change Task Force” to review the City’s procedures and policies with the intent of lessening its impact on the environment. During the past several months, City staff has been working to become a certified “green local government” through the Florida Green Building Coalition. The program was developed by Florida organizations for cities, and is endorsed by the Florida League of Cities.

RECOMMENDATION: Approve the Resolution to communicate the City’s position on global climate change, to become a Green Local Government using Florida Green Building Coalition standards, and to encourage Florida Legislature and the Governor to support the Green Local Government program.

Dennis Conklin, resident of Park East, was present.

Mr. Conklin encouraged Council to vote against the Resolution. He presented a CD containing the full U.S. Senate Minority Report regarding man-made global warming claims. He also presented a brief history of global warming and outlined his theory and that of many scientists regarding the subject.

Councilwoman Uria observed that the green local government is not totally about global warming but, rather, it is about the environment, resource conservation and building products that are not only good for the environment but also for human beings. It was her view that when it comes to the environment, this is a win/win situation and that it is time that something is done.

Mayor Armstrong advised she appreciates Mr. Conklin's position. However, she felt everyone needs to recognize there are definitely changes in the climate. There is a focus on energy efficiency and the ability to create a sustainable planet for the future. She emphasized that human beings represent an element of change that will benefit all future generations if everyone takes part of the initiative. It is not only climate but also the ability to recycle, protect water supplies, and conserve. She noted this is a standard that is being set. The resolution is being presented in order to meet some of the conditions of the criteria for being a part of the State program that recognizes green local governments.

Councilman Fadgen agreed with Mr. Conklin that man's impact is negligible. But at the same time, he strongly supports the conservation of energy, water, and other resources, if possible. It was his belief that heading in this direction helps everyone focus on doing their share locally to help to have an even smaller impact. However, he suggested a change in the wording of the first "whereas", dropping words *real and valid*, to read as follows:

"Whereas the City of Plantation recognizes that global climate change is a concern for our generation, and future generations as well."

Motion by Councilwoman Bendekovic, seconded by Councilman Fadgen, that Resolution No. 10481 be approve as amended. Motion carried on the following roll call vote:

Ayes: Levy, Uria, Bendekovic, Fadgen, Petrocelli

Nays: None

Susan DiLaura, along with Carlos Gonzales, advised they have been working on the criteria for the City to become part of the State of Florida Green Local Government Program. She presented a brief update on the progress of the City's Global Green Task Force. She noted the City has made some significant progress toward becoming a Florida Green Building Coalition and Green Local Government. The green local standard they are working toward contains over 220 individual tasks or criteria the City must work to achieve. The list has been broken down by department and they have met with each individual department to talk about and review what they are currently doing with regard to the list, what they can implement, and what cannot be achieved due to lack of resources. She was pleased to report that are already doing a number of the items that are required. The standard is given in levels – silver, gold, and platinum. They still need to collect much of the backup material for each item to present to the judging committee, but she believes the City is a very solid gold and only 16 points away from being Florida's first platinum-certified city. She noted the individuals who make up the Green Task Force are passionate, committed and energized. They understand that the goal is not a certificate to hang on the wall but a new way of doing their jobs on a day-to-day basis that will have real impact on their lives and those of the children.

In addition to collecting back-up material for certification, they will also work toward making changes throughout the City that will have real impact today. One of the top priorities for the City that can be changed immediately includes reducing the use of Styrofoam cups. In addition to helping the environment, it will also save money.

Plans for the future include updating the City mission statement to include a green component. The annual budgetary goals do not include any mention of working toward a more sustainable and environmentally aware organization. Therefore, they wish to make a formal recommendation to Administration to have one of the annual budgetary goals include a green component. They have also been collecting usage data on water, electricity, fuel and paper. A benchmark is now being set on how much is being used and recommendations will be made on how to save on that amount. More updates will be presented as time goes on.

* * * * *

ADMINISTRATIVE ITEMS

16. DISCUSSION CONCERNING NOB HILL ROAD WALL STATUS.

A memorandum dated January 28, 2009 to Mayor and Members of City Council from Daniel W. Keefe, Assistant to the Mayor, follows:

ANALYSIS: This item has been discussed at several City Council meetings during the past year. City Council requested that a second survey be conducted with the residents on the west side of Nob Hill Road between Broward Boulevard and Cleary Boulevard providing the estimated cost of the proposed wall. The survey was sent to residents on November 26, 2008. They were asked to complete the survey or fax the survey, one per property, to me prior to December 19, 2008. A second letter was sent on December 22, 2008 to residents who did not return the survey. Follow-up phone calls were made on January 20, 2009 to residents who did not return the survey.

Surveys were received from twenty-seven (27) of the twenty-nine (29) property owners. Five (5) recommended that the wall be constructed and property owners be assessed for the costs; two (2) preferred the same option only if the wall was paid for by the City or another agency and twenty (20) recommended that nothing be done at this time. Exhibit "B" contains the detailed survey results and comments. The results are as follows:

Barrier Wall Alternatives – Citizen Survey (December 2008)

0 - Option 1 – Amend the code to allow owner installation of only one type of specified wall. No other alternative would be allowed.

0 - Option 2 – Amend the code to allow owner installation of only one specified type of wall. In addition, require all property owners to comply with the required wall installation within a reasonable period of time after the Ordinance's effective date, so as to allow them to amortize their current fence investment (for example, five years).

5- Option 3 – Acquire easement rights (or otherwise acquire a right) to construct a wall and landscape buffer from the right of way owner. The construction would be financed by a municipal special assessment. This option would achieve uniformity at project completion, and would assure maintenance as a public asset.

2- If costs paid by City or other agency

20- Option 4 – Do nothing at this time.

Residents have been notified that this item will be discussed at the January 28, 2009 City Council meeting.

City Council direction is requested.

Mr. Keefe presented a brief overview of the matter as outlined in the aforementioned memorandum.

Councilwoman Bendekovic was not opposed to going along with the majority but felt that the individuals who want the wall need the variance. With the variance, she advised she would like anyone else who wishes to build the wall to follow the same structure, same materials, and same guideline the City sets up.

Mr. Keefe advised one of the options was to amend the Code to allow the owner installation of a particular type of wall. They would have to make certain that if the type of wall system was installed, it would be done in such a way that adjoining property owners could eventually tie into that wall system. It would have to be clearly defined in the Ordinance. He felt no one would have an objection to that recommendation.

In response to Councilman Petrocelli's comment, it was noted the type of wall would be selected by the City.

Councilman Fadgen agreed that the variance should be granted and they should not have a special assessment to force the others to build it. He also believed they should establish the style and type of wall. He inquired whether the City is able to provide a facility to help finance the wall for those who wish to move forward.

Mayor Armstrong advised that would not be possible now but suggested that when and if the County widens that road, the wall structure will be part of that widening going forward and could be funded at that time.

Councilman Fadgen recalled the conclusion at the last meeting was that the style which was discussed has been widely agreed upon.

In response to Councilman Fadgen, Mr. Keefe advised they showed pictures in the survey but the residents were not surveyed on the style.

Mayor Armstrong further advised in order to get the variance, the City should establish some program by ordinance or resolution so that anyone who wants to put a wall in place could have the program outlined for them and they would know the criteria.

Mr. Lunny explained they would need an ordained variation to the Code. There is currently no authorized variation to this standard. The style and type would be covered by resolution.

Councilwoman Uria advised she did not have a problem with the variance. However, she was not in favor of dictating a style of wall. She felt there should be several different types. She emphasized they should mandate the outside landscaping so it looks consistent.

Mayor Armstrong clarified that Council is saying that if the resident is going to put a concrete wall, this is the style that should be used and how it should be located. There are currently varying conditions along there which are the choice of the homeowner. They can still put up a wood fence and landscape barrier. However, if they are going to put up a concrete wall, this is the style.

Councilman Petrocelli opened discussion to the general public.

Barry Silberstein, resident of NW 102 Way, advised he has a concrete wall with filled cells. He questioned whether his wall would be grandfathered in, so that he would not be required to take it down because it does not conform to what is approved. He also requested permission to put a 2-foot cap on his wall, so it would conform to the eight-foot height to create uniformity.

It was Mr. Lunny's understanding that what Council desires is a going forward specification for concrete only. If nothing happened, he would be able to keep his wall. Typically, if over 50 percent of the structure is destroyed, it would have to conform to the new standard.

With regard to the height of the wall, Mayor Armstrong advised Mr. Silberstein would have to go to the Building Department to be sure the wall is structurally able to accommodate the additional two feet.

Mike Berkman expressed his appreciation.

Robert Wartenberg, resident of NW 5th Place, questioned whether the trees are on City property or private property.

Mr. DeCelles explained that when the homes were built, the wall was requested. In lieu of the wall, Ficus hedges were installed as a buffer. The plant material that is there now belongs to each homeowner and each homeowner is responsible to maintain that hedge at the height of the City Code of 8 feet. Some of the hedges are now 40 feet high. It has been difficult to handle because the hedges grow, the roots grow and they are heading out into the street. It will cause the City liability issues as far as walking on the grassed area and the City would be responsible to repair that roadway. Those hedges are on the homeowners' property versus the wall which they were going to construct.

Mr. Wartenberg advised at the very beginning, the hedges were being cut by the City but the City stopped cutting them and the hedges got out of control.

Mr. DeCelles advised that any activity done by the City was to correct a violation of the ordinance. It was never the responsibility of the City to trim those hedges. Once the hedges were overgrown, a letter was sent to the homeowners giving them a reasonable amount of time to cut the hedges.

Audrey Tegenkam, resident of NW 102 Way, indicated she moved into her home immediately after Hurricane Andrew. The trees were on the property when the house was built. She noted when she moved in, the City did trim those trees, and she had to get permission to trim the trees herself. She was also told they were going to put up a wall and widen the streets. She was later told that was not in their plans.

Mr. Lunny clarified that according to Mr. DeCelles, the Public Works Department never had the legal duty to maintain that hedge. Mr. DeCelles had to maintain the hedge from time to time and that is not inconsistent with what the Public Works Department is sometimes directed to do. The fact that he does it in order to make something code compliant or safe does not mean he has the legal duty to continue. It is of no consequence that he did it in the past.

Councilwoman Uria suggested that if someone obtains a permit for a new wall, they should also be required to put in new landscaping, other than Ficus.

Mayor Armstrong advised that will be brought back in resolution form. When the resolution is presented relative to the specifications, they will indicate what would be the appropriate landscaping.

Mr. Berkman felt that anyone who has a hedge will not be able to build a wall unless they remove the hedge.

Ileen Phillips, resident of NW 102 Way, advised that if the residents are responsible for cutting the trees, why does the City cut the grass around the tress. She indicated she has a commitment from Broward County for 50 percent of the wall if they decide to move forward.

Mr. DeCelles indicated they mow the grass because it is a right-of-way.

Motion by Councilwoman Bendekovic, seconded by Councilwoman Uria, for the approval of Option 1, having the City Attorney prepare an Ordinance granting an authorized variation to the fence standard. The specific standard would be approved by resolution and the variation would grandfather in any existing concrete or block walls so that if they are damaged less than 50 percent, they can be repaired. If damaged more than 50 percent, and the owner wishes to replace it, it would have to meet the current standard. This would not apply to replacing wood fences. Motion carried on the following roll call vote:

Ayes: Levy, Uria, Bendekovic, Fadgen, Petrocelli
Nays: None

* * * * *

LEGISLATIVE ITEMS - None

* * * * *

Councilman Petrocelli referred to the guidelines for those addressing the Council as witnesses having been sworn in.

All witnesses intending to testify on quasi-judicial items during tonight's meeting were sworn in by Susan Slattery, City Clerk.

QUASI-JUDICIAL CONSENT AGENDA - None

* * * * *

QUASI-JUDICIAL ITEMS

17. APPROVE SITE PLAN MODIFICATION TO ALLOW PARKING WAIVER AT 7795 SW 6 STREET.
(7795 DEV LLC)

Mr. Lunny read the item by title.

The Planning, Zoning and Economic Development Department Staff Report and Recommendations follow:

REQUEST: Consideration of a request for site plan modification (parking waiver) for 7795 Dev. LLC (Procacci Development).

WAIVER REQUEST: Applicant requests parking waiver to allow 296 spaces for an 87,345 square-foot general office building (437 spaces are required by Code).

EXHIBITS TO BE INCLUDED: Planning and Zoning Division report; subject site map; and site plan application.

ANALYSIS: In August 2001, the City Council approved converting an existing furniture storeroom and warehouse into an 87,345 square-foot special purpose office building not open to the public. The City Council granted a “user specific” parking waiver that was not transferable to any other office use with City Council approval. The waiver reduced the required parking from 437 spaces to 302 spaces, which represents a 31.4 percent reduction in required parking. Based on building size, this translates into one parking space parking for each 289 square feet of gross floor area.

In July 2002, the applicant requested a second parking waiver to allow general non-medical office to occupy 75,500 square feet (or roughly 86 percent) of the building. The City Council approved the waiver, which prohibits the applicant from occupying the remaining 14 percent of the building.

The applicant’s current waiver requests permission to occupy 100 percent of the building with non-medical general office use. Conversion of the entire building to general office use (open to the public) requires 437 spaces; 296 parking spaces are provided on site. Please note that 34 of the available 296 spaces are subject to a 1981 cross-parking agreement with the adjacent hotel site. If granted, the current parking waiver would provide one parking space per each 295 square-feet of gross floor area. This is a substantial reduction over the Plantation general office requirement (one space per each 200 square feet of gross floor area).

Were the applicants requesting this parking waiver to construct a new office building, or to expand an existing office building, staff would recommend denial. Staff is considering this waiver because the City Council has previously allowed conversion of the old furniture store to a “special use” office and because additional general office is consistent with the Midtown Development Plan.

Staff will not object to the conditional approval of this waiver as long as the City Council understands that sufficient parking may not be provided at all times. Because the applicant is requesting such a large reduction (nearly 1/3 below code requirements), there may be times when demand exceeds supply. Staff hopes to limit these occurrences by prohibiting high-demand uses, but parking shortfalls may still occur, depending on actual mix of future office occupants.

STAFF COMMENTS:

PLANNING AND ZONING:

1. City Attorney to confirm access agreement reserves thirty-four- parking spaces in perpetuity for the office building (Applicant to provide \$1,000 cost recovery deposit for City Attorney Review).
2. The following high parking demand uses shall be prohibited. This list shall not be modified except by approval of an amended parking waiver by the City Council.
 - Medical office, medical clinic, and mental health services.
 - Governmental offices.
 - Banks, Savings and Loans, Financial Institutions, Credit Unions
 - Assembly uses.
 - Educational uses.
 - Personal service establishments, retail and commercial establishments.
 - Restaurant-related uses.
 - Office support/high density occupation areas.
3. Pending conversion to a general office building, applicant to submit a revised site plan to reestablish ingress and egress access points and remove access gates.
4. Reserved or assigned parking shall be prohibited.
5. Waiver effective for two years. Extensions of approval require City Council approval.

ENGINEERING DEPARTMENT:

1. Please note that the project location is on the west side of University, not the east, as stated in the report from IBI.
2. As per the predevelopment meeting we had with the applicant, medical office would not be allowed.

Mr. Lunny commented on the request that if Council is inclined to grant this waiver, it does so once Mr. Procacci gives Mr. Breitenkam a letter indicating that Mr. Breitenkam can proceed with his utility project without any complaints from Mr. Procacci. It was his opinion that the City has an easement and can build this project regardless of whether Mr. Procacci objects or not because it is a City easement and there is no nondisturbance agreement. On this different matter, the City would not wish to approve this and then argue over whether the City can consume those two spaces for its lift station. If Council is inclined to approve this, he would like a letter as part of the file that says he will not object. He is willing to sign such a letter.

Attorney Emerson Allsworth testified he was previously sworn in and understood the rules governing the hearing.

Mr. Allsworth advised that if this waiver is granted, the applicant will send a letter to comply with Mr. Lunny's request.

Mr. Allsworth presented a brief overview of the matter as outlined in the aforementioned staff report. He agreed with the list prohibiting *personal services* establishments and *office support* as defined in the Code today.

Mr. Leeds agreed.

Dennis Miller, who did the parking survey supporting this waiver, and Phil Procacci, applicant, were also present.

Mr. Allsworth advised there were only two other areas of disagreement. He noted in the staff report, Mr. Leeds suggested there should be no security access gates. Mr. Allsworth did not want that to be part of the motion because if a building is leased to an office user who wants to have security gates, it should not be of any concern to the City and it certainly should not be prohibited. It was also suggested the waiver be for two years. He felt that completely corrupts what he is trying to do. The present waiver that they have from 2002 is permanent. He requested there be no time limit on this.

In response to Councilwoman Bendekovic, Mr. Leeds explained the two-year time limit is to ensure that what the applicant is requesting takes place within that time frame. If the two-year limit is not attached to it, a permanent parking waiver is basically granted to the building. In defining the two-years, it means the applicant has two years to begin the process of converting the building for general offices. It does not mean leases are limited to a two-year timeframe. He also advised Mr. Allsworth that if the lease that is currently in place extends four, five or six years, they are free to come back to Council and request an extension. This Council has granted many extensions to site plans for two years so they do not expire. He was uncertain whether the two years would affect the applicant's financing. He included it because it is common to do this for any development entitlements. However, it is up to Council to make the final decision.

Mr. Lunny clarified the waiver is viable for two years but if the applicant pulls a building permit, executes on the waiver and converts the building, the waiver will be in place for as long as the office is in place. If they do not execute on Council's waiver, they must come back and request an extension. If they build, the site plan approval does not go away but is vested with the property.

Mr. Procacci testified he was previously sworn in and understood the rules governing the hearing.

Mr. Procacci advised the only thing that will happen with the building would be interior modifications. He was not interested in changing the site plan. The gates were approved by City staff and the Fire Department. He felt his site plan should be vested.

Mr. Lunny reiterated his site plan is vested for what he has and if Council grants an additional waiver, the applicant would have two years to execute whatever interior permits are needed to make it permanent. Council can make a policy decision and waive the normal rule. He underscored that the applicant has two years to execute this additional modification for the extra square footage. Normally when the City looks at waivers, they look at the context of a specific user and a specific proposal as opposed to this which is a laundry list. He noted Council can waive the two years if they want to.

Mr. Allsworth indicated there is adequate parking for general office use for the whole building if certain high-intensity office uses are precluded. If those uses are precluded and they have sufficient parking, there should not be a time limit.

Motion by Councilwoman Uria, seconded by Councilman Fadgen, to approve the request as presented, with the applicant providing the letter to Mr. Breitenkam, and excluding the two-year waiver. Motion carried on the following roll call vote:

Ayes: Levy, Uria, Bendekovic, Fadgen, Petrocelli

Nays: None

* * * * *

CONSIDERATION OF COUNCILMEMBERS' COMMENTS

Mayor Armstrong commented on the Metropica/Westerra discussion which took place with the County Commission. They deferred the matter again, providing the City with the ability to complete the Conflict Resolution process. A meeting is scheduled for February 9, 2009 at 6:30 p.m. to meet jointly with the Sunrise City Commission if it is needed. The five topics that have been identified for resolution are being vetted through discussions between the staffs of the two cities to try to see if some agreement can be reached on how they will be handled.

Mr. Lunny felt the report presented last time is about the same. He requested input or direction from staff or Council. He noted it has been asked what level of funding and support would Plantation contribute. There are still some variables that might impact it. He observed that no one in the County has ever gone through this process before, at least in recent memory. He advised he is happy to have a free-flowing dialogue between the City's Counsel and Sunrise's Commission. Finally, he commented that some of the things are of the type that the dialogue will need to continue through Metropica and Westerra projects. They will get approved by the County the next time. He felt the citizens of Plantation should be proud of all their elected officials who went to bat for this.

Councilman Levy indicated there are certain home rule initiatives and these projects are too far on the line for the City of Plantation to have a major influence. He questioned their Comprehensive Plan and commented that they cannot go from low density, as the City has in Plantation Acres, to high density without a buffer zone. He felt there should be a gradual buffer zone before they build the down town project in the sky. He observed that Sunrise has been fueled by development in the past. They have gone into the bond market and are heavily in debt. The only way they can continue to pay these bond issues is by continuing to push for more and more development. There needs are different from Plantation and Plantation has had more professional management regarding fiscal matters. The City of Plantation is looking for a lower density development along its borders than what they presently have. He advised his biggest goal would be to get them to recognize that they cannot abut the two. There needs to be a buffer zone and some gradual types of height development. He advised his primary goal would be the berm and the initial things that would help ameliorate the differences between the two cities, especially where it borders the two communities directly, like the light at Volunteer Park. In the long term, he would like to see their Comprehensive Plan recognize that they cannot put a high rise up against a low development area, whether it is Plantation, Sunrise, or both. It doesn't make sense. He recommended the City get a gradual type of development until they get their downtown the way they want it.

Councilwoman Bendekovic wanted to have several things addressed. She felt from the conversation the other day, the City will not get the traffic study at the light. If the City cannot get the light, she would like Best Buy to have the reconfiguration so they cannot have cross over traffic making a left hand turn. She also commented on the estimated cost of the berm and was hopeful an agreement could be reached with regard to the berm being consistent, particularly on height, and that the City's standards are maintained. She expressed concern relative to the financing and maintaining the berm. She observed it is not the City's property but it does affect the quality of life.

Councilman Levy felt that was worth 25 percent. Maintenance would have to be worked out. He was not opposed to keeping it at a certain level. It is a quality of life issue. It should not be allowed to get overgrown.

Mr. Keefe advised the City's staff estimate was approximately \$900,000 and their staff estimate was \$1.5 million. Mr. Butler is meeting with their staff to clarify the discrepancies.

Mr. Lunny clarified that while the City may want 25 percent for a berm, there may be other benefits. With regard to the impacts on the parks, he advised there is no great expectation of getting any of those finances without a much more aggressive legal posture and Mayor Armstrong is trying to be very friendly.

Mr. Keefe indicated they are looking at other ways besides just cash contributions, such as contributing to the construction of the berm in kind.

Councilwoman Bendekovic commended everyone on their open-mindedness and the fact that everyone has been receptive to each others concerns.

Councilman Petrocelli felt at the meeting with the City of Sunrise, there was a genuine concern that they were listening. Getting something accomplished is the most important thing for Plantation residents.

Councilman Fadgen suggested having on hand the various positions the City has on the issues ranked in their most significant priority. The berm should be one of the two of the most serious concerns.

In response the Councilman Fadgen, Mr. Lunny advised the joint meeting will take place on February 9, 2009 at Volunteer Park Community Center at 6:30 p.m. Most likely, the elected officers of Plantation will be at one table and the elected officers of Sunrise will be at the other table. The audience will be offset to those tables.

Mayor Armstrong noted an agenda and status report will be provided prior to the meeting as to where they are in the various discussions on each of the topics. She emphasized going into the discussion that the issues as they relate to the ability or availability of being able to discuss service impacts with neighboring cities is a new discussion on the table and it is one that is viable to be carried forward into the future. She tasked the planners in both cities to be able to continue that discussion in a form that might be productive on the professional level, particularly with regard to the Comp Plan in the future.

* * * * *

Councilwoman Bendekovic congratulated Plantation Middle School for winning the Brain Brawl academic competition.

* * * * *

Councilman Fadgen apologized to Councilman Levy for his comments at the last meeting. He advised it was never his intent to be offensive.

* * * * *

Councilman Petrocelli commented on an article in the Forum regarding Martin Luther King Day.

In response to Councilman Petrocelli regarding the proposed Arcade at the Broward Mall, Mr. Lunny advised they have been working on the Ordinance but it is not a high priority item to the Administration. They have a draft and Mr. Morgan is meeting with staff to review it. He noted the cost recovery account was opened on December 31, 2008. Mr. Lunny felt it has been handled within a reasonable amount of time.

* * * * *

PUBLIC REQUESTS OF THE COUNCIL CONCERNING MUNICIPAL AFFAIRS

Dennis Conklin extended best wishes to George Lord, long time resident of the City, on his 83rd birthday.

* * * * *

Mayor Armstrong thanked Councilman Levy for providing a comparison of municipal fees and taxes between various municipalities.

* * * * *

WORKSHOP

18. DISCUSSION CONCERNING AFFORDABLE HOUSING ADVISORY COMMITTEE INCENTIVE REVIEW AND RECOMMENDATION REPORT AND LOCAL HOUSING ASSISTANCE PLAN.

A memorandum dated January 28, 2009 to Mayor and Members of City Council from Laurence Leeds, Director of Planning, Zoning and Economic Development, follows:

Incentive Review and Recommendation Report: The Plantation Affordable Housing Advisory Committee (“AHAC”) is required by State Law to prepare an Incentive Review and Recommendation Report. In preparing the report, AHAC identified recommendations to increase the supply of affordable housing in the City of Plantation. The report was provided to the City Council on December 17, 2008.

State Law (Section 420.9076(4) Florida Statutes) required AHAC evaluate and make a recommendation concerning 11 specific topics identified in the report. The City Council is required to review the report. The City Council has the option to

- (a) Approve all recommendations as submitted,
- (b) Approve only some of the recommendations, or
- (c) Approve all or some of the recommendations with revisions.

Please note that some of the recommendations require changes to City Code which can be implemented at a later date.

Local Housing Assistance Plan: Removal of Recommendation IV on page 10 of the AHAC report.

The AHAC recommended an additional change to the LHAP that was not part of the required 11 topics. The recommendation was to include long-term rental assistance for qualifying very low income households. Very low income is defined as a household income of 50 percent of the area median household income. Unfortunately, the SHIP program prohibits long-term rental assistance. Long-term rental assistance is defined as reoccurring assistance. As such, Recommendation IV shall be withdrawn from the report.

RECOMMENDATION

City Council review of the AHAC report and recommended LHAP revisions. Staff will revise the report as per the City Council's recommendations and resubmit for final approval in February. The AHAC report must be approved and transmitted to SHIP by March 12, 2009.

Mr. Lunny presented a brief overview of the matter as outlined in the aforementioned memorandum.

Mayor Armstrong commented on the committee that was set up on Affordable Housing. She expressed appreciation for their efforts that went into preparing this report on the City's behalf because it is a necessary process in order to sustain the SHIP funds and other issues with foreclosures.

Councilman Levy noted in the past few years, the concept of affordable housing has changed. The City has asked the Affordable Housing Committee to look at things based on today's economic conditions and the fact that what was affordable housing a few years ago is actually high end housing now. The income levels and job market over the last few years have impacted the concept of what is affordable. The Committee has had a difficult task in making sure that they brought into line and understood the economic climate and presented a report that was viable for the City to use as it plans over the next five years.

Councilwoman Bendekovic advised her appointees really appreciated having had the opportunity to serve on this Committee. Everyone contributed and it was a very cohesive atmosphere.

Mr. Leeds advised this was one of the best committees he has worked with in any city at any time. He presented a brief overview of the Committee's purpose, and its requirement to prepare an Incentive Review and Recommendation Report. This Report suggests recommendations to increase the availability of affordable housing in the City of Plantation. Five public meetings took place between September and December 2008. The Draft Report was presented to the City Council on December 17, 2008. The next step in the process is for Council to discuss the report and determine if they want to approve it as submitted or make certain changes. Staff will follow Council's direction and bring it back in February for a Resolution. He noted there is a time constraint since it must be transmitted to the State by March 12, 2009 or they have the potential for losing SHIP funding. The State has requested they examine 11 specific criteria and the committee responses and recommendations are included under each item.

In response to Councilman Fadgen, Mr. Leeds advised Item IV which relates to the Local Housing Assistance Plan cannot be implemented because State Law prohibits it.

Mr. McAloon, Chairman of the Committee, briefly commented that affordable housing comes down to the commitment on the part of the City. They tried to be innovative. The Committee was great, the members worked well together, and they had great support from staff. They tried to come up with things that were inventive. They feel the outline is reasonable and he was hopeful Council would consider it.

* * * * *

Meeting adjourned at 9:30 p.m.

Rico Petrocelli, President
City Council

ATTEST:

Susan Slattery
City Clerk

RECORD ENTRY:

I HEREBY CERTIFY that the Original of the foregoing signed document was received by the Office of the City Clerk and entered into the Public Record this _____ day of _____, 2008.

Susan Slattery, City Clerk