

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

December 2, 2009

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

1. Roll call by the City Clerk:

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

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2. The invocation was offered by Councilman Fadgen.

The Pledge of Allegiance followed.

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ITEMS SUBMITTED BY THE MAYOR

Mayor Armstrong thanked the Parks and Recreation Department and the Chamber of Commerce for all of their assistance during the holiday parade. She also thanked Plantation's Association of Clergy who did an extraordinary Thanksgiving service and celebration on the Wednesday evening before Thanksgiving. Their chorus will perform for the City in the near future.

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

- The 9th Annual Forrest Gump Table Tennis Tournament will be held at the Plantation Central Park Gymnasium on Saturday, December 5, 2009, between 9:00 a.m. and 4:00 p.m. The entry fee is \$15 per person and the entry deadline is Friday, December 4, 2009. This program is sponsored by the Plantation Woman's Club, Plantation General Hospital and the Park East Homeowner's Association.
- The Winter Wonderland Holiday Camp will be at Plantation Central Park December 21, 2009 through December 24, 2009 and December 28, 2009 through December 31, 2009. This program is for ages 5 through 10 and the hours are from 7:30 a.m. to 6:00 p.m. Space is limited; therefore, they are requesting everyone to register early.

- The Winter Break Tennis Camp program will be held at the Frank Veltri Tennis Center between the hours of 10:00 a.m. and 3:00 p.m. Registration will begin on Monday, December 7, 2009. This program is for ages 6 through 16.
- The Share A Pony Winter Camp program will be held at the Plantation Equestrian Center between the hours of 9:00 a.m. and 4:30 p.m. This program is for ages 4 through 12.
- The Parks and Recreation Department is requesting volunteers for the Annual Santa's Visit program. This will take place on Thursday, December 24, 2009 between 4:00 p.m. and 10:00 p.m. Students can earn community service hours by participating in this event.

Councilwoman Bendekovic commented that the aforementioned chorus will perform at the Inter Faith on February 14, 2010 at 3:00 p.m. at Temple Kol Ami.

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CONSENT AGENDA

As a Commissioner of the CRA, Mayor Armstrong has a voting privilege on Items #7 and #9.

Mr. Lunny read the Consent Agenda by title.

3. Request for authorization of a purchase order to Jacobs Air Water Systems in the amount of \$18,324.64 for parts needed to rebuild the #2 Wemco grit separator at the Regional Wastewater Treatment Plant. (Budgeted – Utilities)
4. Request for approval of a work authorization to Winningham & Fradley, Inc. not to exceed \$129,500 for construction engineering services for the Plantation Park Phase E Water Main Improvement Project. (Budgeted – Utilities).

Resolution No. 10762

5. RESOLUTION approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period November 12 – November 18, 2009 for the Plantation Gateway Development District.

Resolution No. 10763

6. RESOLUTION approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period November 12 – November 18, 2009.

Resolution No. 10764

7. RESOLUTION approving the expenditures and appropriations reflected in the Weekly Expenditure report for the period November 12 – November 18, 2009 for the City of Plantation's Community Redevelopment Agency.

Resolution No. 10765

8. RESOLUTION approving the expenditures and appropriations reflected in the Weekly Expenditure report for the period November 19 – November 23, 2009.

Resolution No. 10766

9. RESOLUTION approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period November 19 – November 23, 2009 for the City of Plantation’s Community Redevelopment Agency.

Motion by Councilman Fadgen, seconded by Councilwoman Bendekovic, to approve the Consent Agenda. Motion carried on the following roll call vote:

Ayes: Levy, Tingom, Uria, Fadgen, Bendekovic

Nays: None

NOTE: Mayor Armstrong voted affirmatively on Items #7 and #9.

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ADMINISTRATIVE ITEMS

10. ANNUAL ECONOMIC DEVELOPMENT DIVISION UPDATE

A memorandum dated November 19, 2009, to Mayor Rae Carole Armstrong and members of City Council from Laurence Leeds, Planning, Zoning and Economic Development Director follows:

The Economic Development Division will present their annual report at the December 2, 2009 City Council meeting. Staff will provide updates on Plantation Gateway and Midtown Districts, Plantation Technology Park, and an overall update on Economic Development Division activities.

We look forward to seeing you on December 2, 2009.

Charity Good, Economic Development Coordinator, Carlos Gonzalez, Redevelopment Specialist, and Elisabeth Bryant, Administrative Assistant, were present.

Ms. Good provided a brief Power Point presentation on Economic Development and the following was noted:

- It is anticipated that Business Licenses will be approximately the same amount as 2008.
- There have been some positive business experiences within the City.
- The City of Plantation has been participating in several Regional events and creating programs to help stimulate business and activities in the area.
- A small business workshop was held at the Broward Convention Center sponsored by Congresswoman Wasserman Schultz.
- The City of Plantation, along with a few other cities and the Broward Alliance, took the word out to the communities in the western portion of Broward County and approximately 200 people were in attendance at those meetings.
- The Annual Economic Development Summit was held and approximately 160 people attended.
- Mayor Armstrong visited ten different businesses within Plantation, both large and small in size.
- There has been more communication with Broward County, which provides a better avenue into various programs and activities so that they can be brought back to our local businesses.

- The City of Plantation is partaking with the Broward Alliance and Charity Good has been appointed as the Chair of the Partnership Council, which is a group of local cities in Broward County, as well as the Chambers, participating together to create events and programs specifically for businesses.
- The enhanced website has been completed.
- Plantation Midtown is still green and growing.
- The office occupancy rate for the City of Plantation in the Midtown District has dropped a bit over the years. In 2007 the occupancy peaked to 95% and dropped to 87% in 2009.
- The residential project as part of the Fountains should be opening in the Spring of 2010. Kohl's is one of the commercial businesses that recently opened in the Center. New shops, including Dick's Sporting Goods and the park, will be opening soon.
- The Westfield Broward Mall is almost at full capacity and the food court should be filling shortly. The mall will return to their regular hours beginning in January 2010.
- National Beverage opted to stay in Plantation.
- Kaplan University will bring 700 jobs to our area and a capital of investment of \$5 million.
- Publix on University Drive will be opening in the Spring of 2010.
- Technology Park is an industrial park. The occupancy rate has decreased over the years; it was 97% in 2006 and has dropped to 91%. Several new businesses have recently been attracted to this area.

Mr. Gonzalez discussed Plantation Gateway and noted that the tax revenue has increased by 19%. The businesses in this area are very stable in spite of economic times. He referenced a chart showing that almost 41% of the businesses are medical services and about 23% of the businesses are professional services. The rest of the businesses are referred to as general businesses, which dominate the area.

The following updates were made:

- Plantation General Hospital will be opening a primary care and wellness center in Grove East.
- An accountant's office is coming into the same building as the wellness center in the near future.
- Plantation General is preparing a large expansion of their emergency room and outpatient services; the total investment is about \$5 million.
- Plantation Inn went through a major renovation and they should be receiving their Certificate of Occupancy very soon. Approximately \$1 million was spent in improvements.
- The City has done landscaping improvements in front of the International House of Pancakes.
- One of the last bus shelters within the District was completed on the northwest corner of State Road 7 and Broward Boulevard with an FDOT grant. The City matched 50% of the total cost.
- The Business Enhancement Program started with 156 businesses and there is currently 95% compliance. Once all of the FP&L power lines are underground the remaining businesses will come into compliance.
- The Plantation Gateway Advisory Board partnered with the Plantation Police Department and have a voucher for \$250,000, which was previously approved by City Council for a safety program for businesses; essentially a crime prevention program. The process is currently closed and there are about 26 applicants. The Plantation Crime Prevention Unit is conducting area background checks. After that, they will visit each of the 26 businesses and conduct a property survey during January and February 2010, which will give each owner a choice of security improvements that they will be able to implement. The City will match 50% of the costs. It is believed that the process will be open again in 2010 and may go on through 2011.
- The most important key points are that the safety program educates the business community regarding prevention and makes the businesses more secure.

- Three future projects are being supported; the FPL underground electric and utilities relocation in the northeast quadrant of State Road 7. The objective of this project is to put all of the power lines and utilities underground. The contract with FP&L will come before City Council after all of the easements have been acquired, which should happen by the end of December 2009 or mid January 2010.
- The Utilities Department is working on a project on old Peters Road in conjunction with Broward County. They will be working on the new sanitary sewer as well as the water main on SW 45th Avenue. The project goes from State Road 7 and old Peters Road west towards SW 45th Avenue. Currently there is an agreement with Broward County; the project should begin in December 2009 and the approximate completion date is October 2010. This project will facilitate future development along old Peters Road. A number of site plans have been approved and the owners are waiting for the sanitary sewers to be installed prior to beginning their projects.
- The Park East Trail will be built with grant money from FDOT. The trailhead will begin at the intersection of State Road 7 and Sunrise Boulevard and proceed west towards Park East and link into the City of Plantation. One of the advantages of this project is that it will provide an alternative for people to come out walking or on bicycles. The Engineering Department is going to secure a survey prior to finalizing the design and construction bids will be out in September 2010.
- A Gateway marketing strategy has been implemented throughout last year and this year. The objective of the strategy is basically to encourage and support quality of redevelopment and new development within the Gateway District. The other element is to retain and support the current businesses. Information about the State Road 7 corridor has been sent to developers. We have participated in the State Road 7 Collaborative, which provides a good forum for all of the local governments to discuss the different types of projects they are doing along State Road 7 as well as the issues and challenges. Last year the City of Plantation received \$80,000 through the Collaborative to implement and build a number of bus shelters.
- A Business Visitation Program is being maintained in which Mr. Gonzalez visits each of the businesses along State Road 7 and discusses their needs.
- A Business Recognition Program will be implemented the beginning of next year, which will recognize the businesses that have been in the area for many years.
- There is a lot of opportunity to work with future developers due to the number of vacant land and vacant businesses that have left due to the economy.

Councilwoman Bendekovic requested that each of the Council members be given a hard copy of the presentation. She commented on State Road 7 and questioned the status with Rick Case.

Mayor Armstrong advised that we have the signed contract and anticipate closure within the next couple of weeks. Mr. Case is no longer planning to put a SMART car dealership at the State Road 7 location in the same form that was originally intended; however, he does plan to use the property for his car dealership.

In response to Councilwoman Bendekovic, Mayor Armstrong explained that there has not been any indication that any of the new components for the 321 office building will be moving forward. A demolition permit has been obtained, which is sitting quietly. The indication we get during meetings with them is that they still intend to develop the property; however, finances are an issue.

Councilman Fadgen noted that other cities' websites have an exchange for people who have space to rent or other opportunities and questioned whether the enhanced website has this. He suggested visiting the City of Lauderhill to determine whether it was worth imitating.

Ms. Good advised that the website has a new and enhanced look. The intention is to take it a step further and have links with some of the local businesses, etc. This is an ongoing process because we will continuously be attempting to update it.

In response to Councilman Fadgen, Mr. Gonzalez advised that there is a lot of land along the State Road 7 corridor that can be assembled. Currently there is a large piece of land on State Road 7 that is in Federal bankruptcy and if he understands correctly, the price went from \$3 million to \$300,000. This property is almost an entire block on the northeast side of State Road 7. He is looking into this and will bring the information forward, as it would be a great opportunity.

Mayor Armstrong indicated that assembling property has been reviewed with the District as a whole from the beginning and they are specifically recognizing that the potential to be able to assemble property and position it for resale redevelopment is opportune at the moment. Properties on old Peters Road have been looked at as an opportunity for assembling. Properties on the access road have also been looked at, which represents a key opportunity to put two or three together to display what can potentially be built there as row offices or two-level living quarters with businesses underneath.

In response to Councilman Fadgen, Mr. Gonzalez clarified that the City would match the safety program costs at 50%.

Mr. Leeds advised that with regard to Plantation General Hospital, the improvements include a special entrance designated for outpatient services. They are also expanding their emergency room as well as installing a small addition. The emergency room will be an increase in floor area and the outpatient is a renovation of an existing area.

In response to Councilwoman Uria, Mayor Armstrong indicated that the 87% occupancy for office space is for all office space.

In response to Councilwoman Uria, Mr. Leeds stated that he and Ms. Good have been working with the business owners and a draft was recently completed of some proposed ordinance changes that was e-mailed to their attorney on Monday. The representative has advised that he will meet with the people in the Technology Park and then schedule a meeting so that the issues can be discussed.

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LEGISLATIVE ITEMS

11. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE PERTAINING TO THE SUBJECT OF CODE ENFORCEMENT, ESTABLISHING SUPPLEMENTAL CODE ENFORCEMENT PROCEDURES PROVIDING FOR CIVIL VIOLATION TICKETS, PROVIDING FOR A SCHEDULE OF CIVIL PENALTIES AND FINES, PROVIDING FOR RIGHTS OF VIOLATORS, PROVIDING A SAVINGS CLAUSE, AND PROVIDING AN EFFECTIVE DATE THEREFOR.

A memorandum dated December 2, 2009 to Mayor and Members of City Council, from Theresa Alexandrich, Code Enforcement Supervisor, Captain Pat McGowan, Police Department, Quentin Morgan, Assistant City Attorney and Daniel W. Keefe, Assistant to the Mayor, follows:

SUBJECT: Ordinance to Establish a Code Citation Program

REQUEST: Approve Ordinance on First Reading

ANALYSIS: Administration, Code Enforcement Division and the Legal Department have researched the establishment of an ordinance to permit supplement Code Enforcement procedures utilizing civil violation tickets. The Code Citations would be utilized for various violations as listed on Exhibit "A". Please note that Exhibit "A" has been modified to eliminate some landscape Code violations and add some more specific items as recommended by the Landscape Director. The Code Enforcement Examiner will be able to issue a warning notice prior to issuing a civil violation ticket. Also, a reasonable amount of time will be given to cure the violation before the fine would be implemented. Violation tickets can be contested before the Special Magistrate. Unpaid civil violation tickets may cause liens to be filed against the violators' property. Fines are recommended to be up to \$50 per violation and up to \$50 per day per violation for each day the violation continues. Repeat violators would carry a civil penalty not to exceed \$100 per day per violation for each day the violation continues.

The Ordinance is attached for your review.

RECOMMENDATION: Approve Ordinance on first reading.

Mr. Lunny explained that the purpose of the item is to have a supplemental Code Enforcement process available as an additional tool to our Police Department and Code Enforcement Division, which, when used, will result in less staff time and expense in prosecution effort and generally a lower penalty.

Councilwoman Bendekovic referenced Page 2, Item C; "...a reasonable time period within which the person must correct the violation. Such time period shall be no more than 30 days". She questioned whether there will be a certain time limit for certain things.

Mr. Keefe stated that as of this time a standard time has not been specified; however, they would try to make it as uniform as possible. For bulk pick up and black bags a reasonable time might be 24 hours where some other violation might be five to seven days.

Councilwoman Bendekovic referenced Page 4 and noted that many offenders are renters. She questioned whether the owner of the house is notified. She also referenced the back of the page; Exhibit "A", and noted that she did not see bulk pick up. She commented that advertisement signs have been multiplying in Plantation and those people need to be cited for a violation.

Mr. Keefe advised that the property owner would be cited. Even if the citation were given to the renter a certified letter would be mailed to the property owner. With regard to the advertisement signs, that would come under temporary signs and temporary banners.

Mr. Lunny stated that bulk pick up, Chapters 1-27, is not listed. He questioned whether the fines of \$25 for uncontested and \$75 for contested are all right or whether they should be raised with a separate category.

Councilwoman Bendekovic wants to be certain that when residents are cited they know all their options and have all the instructions as to what they can do to contest the fine. A lack of communication will create problems.

Mr. Keefe indicated that the information will be on the citation and warning.

Councilwoman Uria emphasized the importance of Code Enforcement Examiners explaining that there are two options available because if the violator does not request an Administrative hearing after ten days then the Notice will continue and maximum civil penalties can be assessed.

Mr. Keefe advised that the purpose of this is to get people to come into conformance with the Code, not to penalize or collect money. All of the information will be on the citation warning and Notice.

In response to Councilwoman Uria, Mr. Keefe stated that at this point only the Police Officers and Code Enforcement Examiners will be utilizing the warnings and citations. They may occasionally have some assistance from someone in Planning and Zoning or Landscaping.

George Lord, resident, was present. He commented that during a previous Workshop it was stated that an appeal requires a \$500 payment. He believes this fee should be eliminated.

Mayor Armstrong explained that the \$500 fee is related to the current program to file for a fine reduction.

Motion by Councilman Fadgen, seconded by Councilwoman Bendekovic, to approve the Ordinance on first reading. Motion carried on the following roll call vote:

Ayes: Levy, Tingom, Uria, Fadgen, Bendekovic

Nays: None

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QUASI-JUDICIAL CONSENT AGENDA: None.

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QUASI-JUDICIAL ITEMS:

12. DEFERRED REQUEST FOR SITE PLAN, ELEVATION AND LANDSCAPE PLAN APPROVED FOR WESTSIDE MEDICAL OFFICE BUILDING LOCATED AT 8251 WEST BROWARD BOULEVARD.

Planning and Zoning staff comments follow:

REQUEST: Consideration of a request for site plan, elevation and landscape plan approval for Westside Medical Office Building.

WAIVER REQUESTS:

- (1) From Section 27-625(b)(2), to waive the Plantation Midtown Infrastructure fee (for a parking buy-down reduction) of \$435,500.00.
- (2) From Section 27-625(b)(2), Table 27-625a, to reduce the number of required parking spaces (under the buy-down formula) from 200 spaces to 194 spaces (six-space reduction).
- (3) From Section 27-626, to eliminate the requirement to provide a pedestrian passageway from the building frontage to the rear within 100 feet of the building end (for buildings over 250 feet in length).

- (4) From Section 27-742, to reduce the two-way minimum drive aisle width from 25 feet to 24 feet (accept adjacent to the main building entrance).
- (5) From Section 27-747(d), to reduce the required number of loading zones from one to zero.
- (6) From Section 27-624(c)(2)(i)(e), to reduce the required setback to an “undesigned” street (Hospital Drive) from 20 feet to 9 feet.
- (7) From Section 27-627(b)(3)(i), to reduce the required 15-foot landscape perimeter abutting public rights-of-way:
 - a. to three feet on the south.
 - b. to zero on the west.
- (8) From Section 27-623(d)(2)(i), to reduce the minimum required sidewalk width from eight feet:
 - a. to five feet on NW 84th Avenue.
 - b. to zero on Hospital Drive.
- (9) From Section 13-40(c)(5)(a), to reduce the required number of landscape islands (based on one island for every eight parking spaces) from 16 to 14.
- (10) From Section 13-40(c)(3), to reduce the required width of the landscape median separating parking spaces from major internal access drives from ten feet to six feet.
- (11) From Section 13-41, to reduce the required landscape pedestrian zones (based on ½ of the building height) from 25 feet:
 - a. to nine feet on the north side.
 - b. to 12 feet on the south side.
 - c. to 22 feet on the west side.
- (12) From Section 9-41(a)(17), to reduce the required pervious area from 35% to 23%.

EXHIBITS TO BE INCLUDED: Planning and Zoning Division report; subject site map; site plan application; Planning and Zoning Board meeting minutes of July 7, 2009, Landscape Planning Review Board meeting minutes of June 22, 2009; Advisory Board for the Disabled meeting minutes of June 22, 2009; and Review Committee meeting minutes of March 24, 2009.

PLANNING AND ZONING BOARD RECOMMENDATION: Recommendation of **APPROVAL** of site plan, including Waivers Nos. 2-12 and staff comments as included herein. (4/1, Ramos abstaining; July 7, 2009).

LANDSCAPE PLANNING REVIEW BOARD: Recommendation of **APPROVAL** subject to Review Board comments as noted in minutes (4/0, Wehby abstaining; June 22, 2009).

ADVISORY BOARD FOR THE DISABLED: Recommendation of **APPROVAL** subject to Review Board comments as noted in minutes (4/0; June 22, 2009).

REVIEW COMMITTEE RECOMMENDATION: Recommendation of **APPROVAL** subject to staff comments and additional comments as noted in the minutes (7/0; March 24, 2009).

ANALYSIS:

The subject site is zoned SPI-3 (Plantation Midtown), 2.48 acres in area, and currently vacant. A five-story, 52,000-square-foot medical office building that previously existed on the site has been recently demolished. The adjacent zoning district and future land use designations are as follows:

	Existing Use	Current Zoning	Future Land Use
North	Hospital	SPI-3	Community Facilities
South	Commercial/Office	SPI-3	Commercial
East	Commercial/Office	SPI-3	Commercial
West	County Library	SPI-3	Community Facilities

The applicant is requesting site plan approval to construct a three-story, 40,000-square-foot medical office building with surface parking. The building has a contemporary design with beige tone stucco finishes and articulated entryways.

Given the required parking associated with medical office use, the site plan includes multiple waivers addressing parking and landscape deficiencies. Staff provided a conceptual parking lot layout as a mechanism to improve the green area in the parking area while maintaining the same parking counts as proposed by the applicant's original submittal which would have required more waivers. General office, medical office and retail uses are permitted uses in the Commercial land use category; therefore, the proposed use is consistent with the Commercial land use designation.

STAFF COMMENTS:

PLANNING AND ZONING:

Planning: This request must undergo a local concurrency review for water, sewer, streets, drainage, and solid waste. The applicant must present the form to the appropriate City departments for sign off prior to City Council approval. The applicant is currently routing the required document.

Zoning:

1. Greenway Easement: Prior to issuance of a building permit, the Engineering Department is requesting the applicant dedicate an easement along a portion of the north property line with an encroachment not to exceed nine (9) feet to accommodate the City's Transit Greenway.
2. Site Plan: On Sheet 2, correct the "Current Use" to vacant property.
3. Building Elevations:
 - a. Change the "fabric" awnings to dense metal mesh. See Zoning Department for detail. Provide eight additional awnings (on the east and west elevations to each side of the proposed awnings shown on sheets A-4 and A-5).
 - b. Provide a canopy detail for the main entry and the west side entry (must be standing or batten seamed).
4. Lighting: Staff recommends that the applicant utilize the Midtown light fixture in lieu of the proposed 25-foot box fixture.
5. Signage: Signage is not part of this review. The proposed wall signs and ground signs do not meet Code requirements.
6. Reserved parking spaces for medical staff or others are not permitted on this site without City Council approval.
7. Plantation Midtown Infrastructure Fee: Midtown Zoning allows a reduction in required parking from the standard medical office requirement of one space/150 square feet of gross floor area to one space/200 square feet of gross floor area. This reduction is allowed only if developer pays into the Plantation Midtown Infrastructure Fund \$6,500 for each parking space not required due to the parking reduction. In this case, the difference between the two parking standards is 67 spaces, for a total Infrastructure Fund payment of \$435,500. *The Planning and Zoning Board did not recommend approval of the infrastructure fund fee waiver.*
8. Parking Waiver: In addition to the infrastructure fund waiver, the applicant is requesting a parking reduction of an additional six parking spaces. Total provided parking is 194 space or one

parking space/206 square feet of gross floor area. If the medical offices maintain high volume patient loads and/or employ significant support staff, sufficient parking may not be available at certain times. Patients, doctors, or employees who arrive when the lot is full would be required to park at the hospital since on-street parking is not provided and the adjacent private lots do not allow hospital parking. *The Planning and Zoning Board recommended approval of the parking waiver.*

TRAFFIC CONSULTANT: No objections.

ENGINEERING DEPARTMENT:

1. The fire truck radius, Sheet 6, does not work. The truck will go over curbs, parking spaces, etc. Please see Engineering to discuss. *Response says site plan has been revised. The revision shows a 32-foot fire truck. The radius for the City fire truck needs to be shown as 50-foot outside and 38-foot inside. Radium still does not work as shown. There was no discussion with Engineering as requested.*

City Response: A 32-foot truck is still shown. There are no dimensions on the radii shown. They do not appear to be 38/50 as requested. Please revise.

2. Detail sheet has been provided. Please remove detail #6 as it is in conflict with the City detail for disabled parking. Please provide ADA ramp detail for public sidewalk by driveways, detail #8 is for a 9'-11" path.
3. Pervious area does not meet City Code Chapter 9 Floodplain and Stormwater Management, Section 41 Paragraph (a)(17). *The applicant's response stated they will request a waiver for this requirement. The Engineering Department will support the waiver request providing the applicant demonstrates (in writing) that the proposed project meets the area master drainage permit requirements as well as any requirements from Old Plantation Water Control District (OPWCD).*

City Response: The City will require the requested documents at time of permitting.

4. The applicant will be required to dedicate an easement along a portion of the north property line with an encroachment not to exceed nine (9) feet to accommodate the City's transit greenway. Engineering Department staff will assist the applicant with the legal description and sketch. *Easement is shown on plan. Easement document will be needed prior to issuance of a building permit.*

City Response: The applicant's response was that this will be provided at time of permitting is acceptable.

Permit Comments

1. Drainage calculations signed and sealed by a professional engineer registered in the State of Florida, will need to be submitted at time of permitting.
2. An erosion and sedimentation control plan and MOT will need to be submitted at time of permitting.

Note: A detailed review of the civil drawings has not been performed at this time. If the site plan application is approved by City Council, a thorough engineering review will be performed at the time of application for construction permits. 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.

LANDSCAPE ARCHITECTURE:

Site Plan

1. The strip of land between an abutting right-of-way and off street parking along the eastern and northern perimeter by Code should be a minimum of 15' in depth – you are only proposing 9' along the eastern perimeter and 8' along the northern perimeter – 13-37(1). Waiver applied for.
2. On the site of a building or structure of open lot use providing an off-street parking area or other vehicular area a landscape buffer strip contiguous with the property line shall be provided of not less than 5' in width – you are proposing 0' along the western perimeter and 3' along the southern perimeter – 13-39(a)(d). Waiver applied for.
3. Terminal islands throughout the parking areas shall have a minimum width of 10' – plans reflect 7' and 9' terminal islands – 13-40(B)(3). Waiver applied for.
4. As per Code, a landscape island is required every eight spaces – plans submitted show 9, 10 and 11 parking spaces between terminal islands and/or landscape islands – 13-40(b)(5)(b). Waiver applied for.
5. Code requires medians to be a minimum of 8'; two-foot vehicular overhand cannot be counted; 12' interior curb to curb is required. Median widths submitted are only 5' – 13-40(c)(4)(b). Waiver applied for.
6. Landscape pedestrian zone should be a minimum of 27.8' including 6' sidewalk – 13-41(a)(b). Waiver requested.
 1. 19'-22' landscape pedestrian zone is proposed along the west side.
 2. 9'-13.72' landscape pedestrian zone is proposed along the north side.
 3. 13.38' landscape pedestrian zone is proposed along the south side.

Planting Plan

1. Add a Category one tree to the medians – one tree per 40 linear feet is required. You are only proposing the planting of two trees-a minimum of four trees are required as the medians are greater than 120'.
2. In the landscape islands on either side of the proposed canopy you are proposing the planting of Bismarck palms – please make sure the palms will not interfere with the proposed canopy.
3. You are proposing the addition of trees along the western perimeter at the north end, please continue the entire perimeter to meet codes; one tree/40 linear foot. Waiver required.
4. We are concerned with the planting of High Rise Live Oaks in the landscape pedestrian zone that is only 7.38' (the trees you are proposing with a 7' spread at time of planting and a spread of 20' at maturity are being planted only 5' off the edge of the building).
5. High Rise Live Oaks with a height of 16' should have a caliper >2.5; please correct on plans – show a caliper of 4" or greater.
6. Remove the container size from all plant material.
7. Light poles should be a minimum of 15' from all trees/palms.
8. Please include Tree Protection details as per codes. 2' x 4' post, 4' height, with 3.2' x 4' rails spaced equally. The proposed orange fence with rebar is not sufficient for protection.
9. Tree Removal and/or Relocation permits are required directly through the Department of Landscape Architecture; please contact Diana Berchielli at 954-797-2750 prior to removal or relocation of any tree or palm. Please make a note regarding this matter on the plans.

BUILDING DEPARTMENT: No objections.

FIRE DEPARTMENT: No objections.

POLICE DEPARTMENT: This project will have little or no impact on Police Services.

UTILITIES: No objection; however, the following comments apply to the Site Plan.

1. Prior to a Building Permit being issued, the following must be provided:
 - 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. Offsite and onsite improvements and equipment may be required at applicant's expense to support project.
3. Offsite improvements may be required at applicant's expense which may include but not be limited to rehabilitation of existing sewer lines and extension or relocation of water mains.
4. Complete Water and Wastewater Utilities must be shown on plan before a proper review can be completed.
5. Show all existing water and wastewater facilities on site plan.
6. Provide plan for vacating easements as necessary.
7. Show all new and existing water and sewer lines and easements on landscaping and drainage plan.
8. Maintain all utilities and utilities easements for water and wastewater system access.

O.P.W.C.D.:

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

WASTE MANAGEMENT: See Department for comments.

Contact Pat Visone, Operations Manager for Waste Management at 954-917-1652 or via email at pvisone@wm.com.

Mr. Lunny read the waivers as follows:

- Waive the Plantation Midtown infrastructure fee of \$435,500 for a parking buy-down.
- Reduce the number of required parking spaces from 200 to 194 spaces.
- Eliminate a requirement to provide a pedestrian passageway from the building frontage to the rear within 100 feet of the building end.
- Reduce a two-way minimum driveway width from 25 feet to 24 feet accept adjacent to the main building entrance.
- Reduce the required number of loading zones from one to zero.
- Reduce the required setback to an undesignated street on Hospital Drive from 20 feet to nine feet.
- Require a 15-foot landscape perimeter abutting rights-of-way, which is our Code requirement, and the reduction is for nine feet on the north and zero feet on the east.

- Reduce a required five-foot required landscape perimeter to three feet on the south and zero feet on the west.
- Reduce the minimum required sidewalk width from eight feet to five feet on NW 84th Avenue and zero feet on Hospital Drive.
- Reduce the required number of landscape islands from 16 to 14.
- Reduce the required width of the landscape median between double parking bays from eight feet to five feet.
- Reduce the required width of landscape median separating parking spaces from major internal access drives from ten feet to six feet.
- Reduce the required landscape pedestrian zone from 25 feet to nine feet on the north side, 12 feet on the south side and 22 feet on the west side.
- Reduce the required pervious area from 35% to 23%.

Mayor Armstrong made a Jennings disclosure and stated that she previously served on the Westside Board of Trustees with the most recent term within the last two years; that term has expired. She is not currently serving on the Board. She is familiar with this item and her decision will not be influenced from previous discussions.

Councilwoman Bendekovic made a Jennings disclosure and advised that she previously served on the Westside Board of Directors and recently resigned from the Plantation General Board of Directors. She is aware that this is an HCA corporation and it will not influence her voting.

Mike Hltaki, representative, was present on behalf of the applicant.

Mr. Hltaki commented that their ultimate goal is to grow healthcare services in the community. He provided a brief presentation and spoke about parking.

Mr. Leeds explained that this site has been a collaborative effort. They were trying to strike a balance between the parking and an attractive site in terms of landscaping. The reason there are so many waivers is because in order to fit the building on the site and strike the balance between landscaping and parking, it was necessary to grant certain adjustments. Most of the waivers are intended for larger mixed use buildings and this is basically a single use building on a single parcel associated with a larger project. Staff does not have any objections to any of the waivers. He referenced one waiver that has been the subject of some discussion at the Planning and Zoning Board. The first waiver requires the waiving of the Plantation Midtown infrastructure fee for a parking lot buy-down. In this case staff is going to recommend approval of the waiver. He emphasized that the recommendation is only for this case and this situation. Due to the current economic conditions it is not believed this is the time to request this contribution. Hospital staff has been advised that in future this requirement may apply to anyone in Midtown including potentially the hospital if they choose to expand their project and again, avail themselves of this parking reduction.

Mr. Leeds indicated that the Engineering Department had a concern with regard to the fire truck turning radius and according to the staff report that has not been addressed. To meet that requirement it may be necessary to eliminate some more spaces. He would like to have the discretion to do that without having to come back before Council. He will advise the architect that if it starts to be more than two or three spaces that another review will be necessary. Hopefully the curb area can be modified so that parking will not be lost.

In response to Councilwoman Bendekovic, Mr. Leeds stated that the applicant is aware of all of the other staff comments and it is his understanding that they have agreed to all of the comments.

Mr. Hltaki clarified that they agree with all of the comments.

In response to Councilman Fadgen, Mr. Leeds indicated that the first waiver for \$435,000 was calculated by the SPI-3 zoning, which is the Midtown zoning, requires \$6,500 per space for each space below the standard medical office requirement. They are eliminating 67 spaces; therefore, the formula is 67 x \$6,500. It is Mr. Leeds' opinion that this circumstance justifies the waiver.

In response to Councilman Tingom, Mr. Leeds advised that there was a prior reduction in parking for a single use building and the buy-down waiver was not charged. With regard to the Fountains, they provided sufficient parking based on the SPI-3, which is the Midtown mixed use parking formula.

Motion by Councilwoman Uria, seconded by Councilwoman Bendekovic, to approve Item PP09-0005, site plan, elevation and landscape plan for WESTSIDE MEDICAL OFFICE BUILDING located at 8251 West Broward Boulevard. Motion carried on the following roll call vote:

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

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COUNCILMEMBERS' COMMENTS

Councilwoman Bendekovic offered condolences to Police Chief Dan Guistino of Pembroke Pines on the passing of his father.

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A Resolution was received from the Broward League of Cities regarding the Interlocal Agreement on the boundaries. Everyone needs to be very cognizant of the impact it would make on the City of Plantation and to have a position until we know what is happening and how it will impact our Plantation schools. She requested this be placed on hold until we know exactly what the impact will be. During a conversation with someone at the School Board, they indicated there will be a workshop on Tuesday at 10:00 a.m. regarding the boundaries. There will also be an Oversight Committee, which Councilman Tingom serves on.

Councilman Tingom advised that the Educational Advisory Board meets on Monday at 3:30 p.m. At that time he will present what has been presented at the Oversight Committee. He believes it is appropriate not to take any action and wait to hear from the residents and the Educational Advisory Board before moving forward.

Mayor Armstrong commented that there are a lot of unanswered questions and there is not enough information to consider the Resolution at this time. It is her understand that as a result of the topic being brought forward there are a number of different options now being considered that might represent solutions.

Councilman Levy spoke with Mayor Eisenger (sic) of Cooper City who is leading the way for the Broward League of Cities in order to come up with a policy statement from the Florida League of Cities. This will probably be discussed the next month. This has to do with the State mandating that those schools that are overcrowded send students to schools in the east that are under enrolled; therefore, children are being bussed throughout the county in order to match numbers. It was Mayor Eisenger's feeling that this would not actually create a solution that the State and County may think because a lot of people will enroll their children in charter schools or pay to send them to private school; therefore, there will be fewer enrollments in the public schools,

which will create more problems than it will solve. He concurred that we need to see the effect on Plantation schools since we are in the geographic center of the county.

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Councilman Fadgen announced that his youngest son got married on November 21, 2009.

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PUBLIC REQUESTS OF THE COUNCIL CONCERNING MUNICIPAL AFFAIRS

NATIVITY DISPLAY:

Leonard Torres, resident, was present. He requested to put a nativity scene on public property at Fire Station #1 just west of the Turnpike on Broward Boulevard. He advised that he sent a letter to Mayor Armstrong on November 5, 2009 and read it into the record.

Mayor Armstrong commented on the letter and indicated that there is a nativity scene on display at City Hall in the lobby. She explained the City's position with regard to placing public displays of any kind on public property, which includes political signs and anything else associated with a public type of display. The request put forward was not a denial of placing a nativity scene, it was a recognition that the placement at a Fire Station provides and poses unnecessary distractions and that we do take very real measures in the City to be sure that Christianity is celebrated along with those of other faiths, which are truly recognized with the City's support as a public entity of the Plantation Association of Clergy. Nativity sets can be placed on your own private property or on commercial property as a special event by applying for a special event permit, which is part of the criteria in place in order to do special events. As far as public property is concerned; that has not been a precedent or policy in the past.

Mr. Lunny thanked Mr. Torres for taking a personal interest in this. He advised that the legal advice given to Mayor Armstrong was that the fire stations, utility plants, police station and administrative buildings that are publicly owned are not pure public forums. As a result of 9/11, special precautions have to be taken for safety to protect the public and those particular assets to make sure they are functioning appropriately and are not subject to mischief; therefore, there cannot be any public forums designated or created in the fire stations unless the Council designates them as public forums. If the Council were to do so, he would recommend that they be very careful, listen to community input and react in a very measured way, as well as hear from safety officers with regard to impacts to their operations and to the public safety aspects of running the City of Plantation. When there is a public forum, private citizens can speak. It could be a nativity scene posted by a citizen group or anything that anyone wants to say or do because it is a public forum and our public forums are not at those protected facilities. The City does allow special events at public facilities; you apply for a permit and then rent a building or park pavilion, but not at fire stations, administrative buildings, police stations or utility plants. The request is, "Can a citizen group post a public display" and the answer is only if it is a public forum. The next question is, "Can the City post a religious display" and under the Second Amendment, you cannot endorse any particular faith or practice, but the City can acknowledge the existence of religious traditions in the context of a secular purpose such as the holiday season. There are cases that would allow a nativity scene to be presented by the City, which Mayor Armstrong does, with other secular decorations such as candy canes, snowmen, Happy Holiday signs, and gift wraps with a little sign that says, "We are not endorsing any particular faith, we are just acknowledging that this tradition is part of the overall holiday tradition". He has advised Mayor Armstrong not to allow citizens to erect displays on protected property or property that needs to be protected. If someone wants

to erect displays, continue the practice of allowing it in a park with a permit for the designated time or in a building with a permit for a designated time and not to create a public forum without serious deliberation at this level. Mayor Armstrong has been advised to be very cautious.

Councilman Fadgen was very happy that the nativity scene is displayed at City Hall, as it is maintaining a tradition. He referenced the 4th of July parade, which is held on Broward Boulevard in the center of our City.

Motion by Councilman Fadgen to allow a nativity scene to be erected at Fire Station #1 next to the Turnpike on Broward Boulevard.

Motion failed, as there was no second.

Councilman Levy expressed concern with setting a precedent, as many displays have been turned down in the past. He did not feel that public rights-of-way and public buildings should be used for public displays. He questioned where the line would draw down the road.

Mayor Armstrong noted that major churches have an opportunity to put out a nativity scene. She felt that was a more appropriate way to share the displays.

In response to Councilman Tingom, Mr. Lunny stated there are two options. He indicated that if the City were to designate a portion of the Fire Station site as a pure public forum then Councilman Levy is correct in terms of where will the line be drawn, because content cannot be restricted. He emphasized that if that is the intent, do not do it this evening and really consider the consequences of having a public forum next to the Fire Station. The other concept is to not allow citizens to erect displays on public property and instead, have the City put up displays on public property, which is what this City does. This is a Second Amendment concern and the rules on that are that the City can erect a nativity scene within an overall holiday secular message provided that a Court determines there is enough secular stuff in the overall display that the City is not endorsing one faith as opposed to another. His concern was if the City does that and establishes that, there would then be a policy issue of how to say no, which is more political than legal in terms of outside of the holiday season. There are also concerns about all of the efforts to secure those special sites that the City has. Quite a bit of effort has been invested into some of the special sites to harden and protect as a result of 911. To his knowledge, the City has not prevented, on private property, erecting any displays that have a religious significance for a short time period. It would not be allowable in public rights-of-way, which do not have space to accommodate displays as a result of site, triangles or vehicle recovery areas. If it is a private right-of-way or a private common area and someone wants to erect a nativity scene, to the best of his knowledge, the City has not enforced the sign code to say no during the holiday season.

Councilman Fadgen advised that allowing the nativity scene would not be breaking the rules; whatever is put up would always be based on a significant holiday and would also be in the context of the holiday. It would not be against the Constitution.

Mr. Lunny reiterated if the Council chooses to designate a public forum, then anything goes and private citizens can place whatever they want on that public forum or display. The establishment analysis would allow Plantation to buy or get a nativity scene, erect it in a public place, provided there are other secular displays, it is clearly a secular purpose and the overall intent is not to endorse any particular religion. The only caution was that once this is done you need to be careful of where this is done in terms of what assets are going to be established.

Councilman Levy stated that his objection is that once a public forum area is declared, anyone will come forward as an open public forum. He moved that the City create the nativity scene rather than a private group and we have it as a limited forum that only the City may use under certain conditions. In his opinion, this would solve the difficulty. If our City Attorney says we can do a limited forum; that may be a way to go about solving what is a difficult problem and allowing everyone's beliefs and feelings to be displayed.

In response to Councilwoman Uria, Mr. Lunny clarified that the community sign at the Fire Station site is a bubble sign with different messages. If there were some way to create a lit nativity sign in the bubble context and have it float across the sign; that would be allowed. You do not want to create any kind of public forum at a public safety asset. The only way this could be done would be to do it under the establishment clause, which is where the City puts up a nativity scene that is publicly owned, along with other holiday decorations similar to the banners on Broward Boulevard, as long as a Court determines that the overall display is secular. While that is a legal thing to do, politically that presents issues that would have to be dealt with. Mr. Lunny feels this would be a difficult change and he urged the Council not to create public forums on public safety assets.

Mr. Conklin explained that Fire Station #1 was selected because of the sign that is already there. He noted that reference to the Second Amendment is incorrect, that it should have been the First Amendment. He liked to refer to the Declaration of Independence and stated that the City would not have any trouble following an American tradition.

Motion by Councilman Fadgen, to allow the nativity scene to be erected on the east side of Fire Station #1 for this year on an experimental basis and open it to others in the community as well.

Motion failed, as there was no second.

Councilwoman Uria believed this decision would need to be reviewed in greater depth. She would also like feedback from other communities.

Councilman Levy concurred with Councilwoman Uria. He expressed concern regarding an experimental basis and about who would come forward.

Councilman Tingom encouraged Mr. Torres to seek a private or commercial location to place the nativity scene.

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WORKSHOPS

13. DISCUSSION CONCERNING LOCAL BUSINESS PREFERENCE FOR CITY PURCHASES.

Mr. Keefe advised that local business preferences were researched and the findings basically were that it is very common to have a local business preference program for larger geographic areas, such as States and many Counties. It was not as common to find municipalities that had local business programs. During this research three criteria were reviewed in an attempt to structure something that would not be an additional cost to the City. Sometimes local business preference programs provide a discount. The other thing was to make this a simple process for local businesses to participate. Some of the programs are very intense as far as the registration process. The third criteria was to look at something that the City could manage and administer without additional staff costs. He recommended modeling the program provided at the City of Lauderdale Lakes. The ability for a local business that has a business tax license in the City is the only requirement other than being a

qualified bidder on the project or purchase of a commodity. It was noted that we already try to reach out to local businesses.

Councilwoman Bendekovic questioned whether two tiers are acceptable; one for vendors in Plantation and one county wide as long as they are a Plantation resident.

Mr. Keefe stated that two tiers could be done; however, it would be more complicated. The model the City of Lauderdale Lakes has says that the bid must be within 5%; any percentage can be set.

Councilman Tingom commented that the complexity of filling out forms drives people away. He recommended that we move forward.

In response to Councilwoman Uria, Mr. Lunny clarified the requirements. It is not just a matter of having a business license; they still have to be qualified and submit a responsive proposal.

Mr. Keefe suggested a dollar threshold be considered for the job. In the procurement process we have to let everyone know that this ordinance would be in effect so other bidders in Plantation would know that even if they have the lowest responsive bid if there is a Plantation business that has a bid within 5% they could possibly match the bid and lose the award.

Mr. Lunny advised that when there is a high number and not a lot of bidders, people that would have otherwise bid will question why they would do so if someone else can match their lowest price and take the job; therefore, the pool is limited of people that would have otherwise responded. There is a concern of scaring away someone who might have been the best vendor as the price goes up.

Mayor Armstrong noted that the County's number is \$250,000 and that is a county wide bid.

Councilman Fadgen stated that he would like to help the larger businesses but does not want to exclude the smaller operators. He felt we should proceed with the ordinance.

Mr. Lunny explained that a number would likely be set by ordinance and the Council would then be allowed to vary the number by resolution as long as they are within a given percentage. He will write the ordinance in an indexing method and Council can decide what to do at first reading.

In response to Councilwoman Uria, Mr. Lunny clarified that the discussion is with regard to local preference on a smaller procurement.

The consensus was to move forward in writing the ordinance.

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Workshop adjourned at 10:38 p.m.

Diane Veltri Bendekovic, President
City Council

ATTEST:

Susan Slattery
City Clerk

RECORD ENTRY:

I HEREBY CERTIFY that the Original of the foregoing signed Minutes was received by the Office of the City Clerk and entered into the Public Record this _____ day of _____, 2010.

Susan Slattery, City Clerk