

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

April 10, 2013

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

1. Roll Call by City Clerk:

Councilmember:	Jerry Fadgen
	Ron Jacobs
	Robert A. Levy
	Lynn Stoner
	Chris P. Zimmerman
Mayor:	Diane Veltri Bendekovic
City Attorney:	Donald J. Lunny, Jr.

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2. The invocation was offered by Councilman Fadgen.

The Pledge of Allegiance followed.

3. Approval of Minutes of Meeting held January 23, 2013.

The minutes of the City Council meeting of January 23, 2013 were approved as printed.

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ITEMS SUBMITTED BY THE MAYOR

Mayor Bendekovic read a Proclamation designating April 26 and 27, 2013, as *Relay for Life Days* in the City of Plantation.

Pat Ortega accepted the proclamation.

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Mayor Bendekovic introduced Pat Hind with the Plantation Women's Club.

Ms. Hind introduced Barbara Grayson, CIP Chairman, who presented checks to the following departments:

- \$2,000 to the Police Department for their Bike program, which is a contract between the Police, 4th grade students at Peters Elementary and their teachers.

- \$750 to the Police Department for the Police Explorers Program, which is for equipment, uniforms and supplies.
- \$1,900 to Parks and Recreation for two flat stack folding carts and 20 tables for Volunteer Park.
- \$500 to Parks and Recreation for their Summer Camp Program.

Mr. Romano thanked everyone in the Plantation Women’s Club who support the Parks and Recreation Department. These checks are always welcome for a lot of capital expenditures, etc. He stated that the Plantation Women’s Club always donates \$1,400 to host the Easter Egg Program for the children and this year the price was \$1,700.

- \$250 to Mike with the Kiwanis Club for a tee for their golf tournament.
- \$1,000 to South Plantation High School for their Solar Car Program.

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

- Summer Camp is rapidly approaching. Applications for the eight-week summer day camp programs are available at Plantation Central Park, Jim Ward Community Center, Volunteer Park and all of the Plantation elementary schools. Camp lottery will begin on Monday, April 29, 2013 and Camp begins on Monday, June 10, 2013 until Friday, August 2, 2013.
- A Master U.S. Swim Meet will be held at the Aquatic Complex on Saturday and Sunday, April 20 and 21, 2013.
- PAL registration for basketball, cheerleading, flag football and tackle football will be on Saturday, April 20, 2013 and Saturday, April 27, 2013.

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Mayor Bendekovic made the following announcements:

- Representatives available to help with the Homestead, Senior and other property tax exemption applications. Broward County Property Appraisers Community Outreach events will be held at the Broward County Government Center West every Wednesday in April and May from 12:00 p.m. to 2:00 p.m.
- Plantation 60 and Fabulous Dinner Dance is on Friday, April 12, 2013 at the Renaissance Hotel.
- Poetry Under the Stars will be on Thursday, April 18, 2013 at 7:00 p.m. at Helen B. Hoffman Plantation Library.
- The Teddy Bear Picnic will be at the Helen B. Hoffman Plantation Library on Saturday, May 4, 2013 between 11:30 a.m. and 12:30 p.m.
- City of Plantation Memorial Day Services will be on Monday, May 24, 2013 at Veterans Park at 9:30 a.m.
- Plantation Farmer’s Market is at Volunteer Park every Saturday from 8:00 a.m. to 2:00 p.m.

Mayor Bendekovic thanked the Plantation Women’s Club for a wonderful luncheon honoring the Women of the Year.

Councilman Levy commented that everyone who attended was very impressed by all of the women who were selected as the individual Women of the Year. He thanked the Women's Club for all that they do for our community.

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CONSENT AGENDA

As a Commissioner of the CRA, Mayor Bendekovic has a voting privilege on Item No. 11.

Item No. 10 was pulled from the Consent Agenda to be discussed separately.

Mr. Lunny read the Consent Agenda by title.

4. Request for temporary road closing/special use of State Road for Fourth of July Parade.
5. Request for authorization to continue piggy-backing the City of Pompano Beach contract for the supply and delivery of scale inhibitor PC 1850T from Nalco Company at a price of \$1.25/per lb. F.O.B. for the Central and East Water Treatment Plants through March 8, 2014. (Budgeted – Utilities).

Resolution No. 11669

6. **RESOLUTION** of the City Council of Plantation, Florida, adopting the 2013-2016 Local Housing Assistance Plan.

Resolution No. 11670

7. **RESOLUTION** assessing a lien on 11650 NW 8th Street for the cost to the City of its mowing and clearing. (Silverberg)

Resolution No. 11671

8. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period March 14 – April 3, 2013 for the Plantation Gateway Development District.

Resolution No. 11672

9. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period March 14 – April 3, 2013 for the Plantation Midtown Development District.

Resolution No. 11674

11. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period March 14 – April 3, 2013 for the City of Plantation's Community Redevelopment Agency.

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

Ayes: Zimmerman, Fadgen, Jacobs, Stoner, Levy

Nays: None

NOTE: Mayor Bendekovic voted affirmatively on Item No. 11.

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Resolution No. 11673

10. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period March 14, - April 3, 2013.

Councilman Zimmerman pulled this item and indicated that he is going to abstain from voting on Check #134144 to the Broward Reliance for Neighborhood Development. He has been advised that he has a voting conflict on that item.

Motion by Councilman Jacobs, seconded by Councilman Fadgen, to approve tonight's Consent Agenda as printed. Motion carried on the following roll call vote:

Ayes: Fadgen, Jacobs, Stoner, Levy
Nays: None
Abstain: Zimmerman

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ADMINISTRATIVE ITEMS

Mr. Lunny read Item No. 12.

12. **DISCUSSION CONCERNING COUNTY CONSOLIDATED E-911 SERVICES.**

A memorandum dated April 4, 2013 to Mayor and City Council, from Gary Shimun, Chief Administrative Officer, as follows:

Background

In 2002 the voters of Broward County passed an amendment to the County Charter calling for the implementation of County-wide Emergency 911 services. Over the next ten years the process was studied and discussed. Two formal committees were formed to develop a working model for that implementation. In March of this year the Broward County Board of Commissioners chose a plan that included a method of financing known as a Municipal Services Taxing Unit. This plan and financing method is extended to all municipalities in the County on a volunteer basis.

Discussion

An overview of the history and of the elements of the plan will be presented to Council for its consideration. Council will need to determine the value of joining the regional system versus maintaining its current local Public Service Answering Point (PSAP).

Recommendation

Administration recommends that we maintain our current system.

Councilperson Stoner commented that she did not see any new information and questioned whether Mr. Shimun agreed.

Mr. Shimun advised that there is information that the public may want to see.

Councilperson Stoner stated that she would prefer not to see the information and opt out.

Councilman Fadgen agreed with foregoing the display. He questioned if there are truly economies of scale that the City would benefit from.

Mr. Shimun indicated that the one thing we do not know on the end is how they are going to handle all of the separate calls that we have. This talks specifically about the emergency 911 calls but they have also told us unofficially that they will handle all of the calls in which case it would probably be a significant savings for us. Until we actually see the document he cannot answer that question.

Mayor Bendekovic advised that 73% of our calls are emergencies and 26% are non-emergency, and 26% of the 911 calls are non-emergency. The Mayors had another meeting today with the City Managers and everyone is saying that they are leaving out the important part of this; the operations part. They want us to give them our money but are failing to tell us how it is going to operate. There are issues with the City of Plantation on how they will be paging our Volunteer Fire Department and also on the closest response. We keep saying that until they tell us how they are going to operate the program we are not going to support an ILA until we have all of the information.

Councilman Jacobs mentioned that Councilman Fadgen asked if the economies of scale would save money and he questioned whether he was referring to Countywide or for the City.

Councilman Fadgen questioned whether we would reap some of the benefit if the County achieves efficiency.

Councilman Jacobs questioned if the County agreed to hire all of our employees if we shifted. He questioned how the County is saving money if they agreed to hire all of our employees and everyone else's employees and pay for it.

Mr. Shimun advised that is one of the things that is in the current draft interlocal agreement.

Councilman Levy stated that currently it is 60/40; 60% County and 40% Municipalities. If it is going to be a County regionalized service they have to pay 100%.

Councilman Jacobs commented that even if they do pay 100% they are going to have more people than they need. The whole thing is sold on the fact that they are saving money; it does not make sense.

Motion by Councilperson Stoner, seconded by Councilman Jacobs, that we opt out of Item 12. Motion carried on the following roll call vote:

Ayes: Zimmerman, Fadgen, Jacobs, Stoner, Levy

Nays: None

Mayor Bendekovic suggested that this be taken as information because this conversation is not over yet.

Councilman Levy advised that there is some legislation affecting this in Tallahassee and that may have an effect on what we do. There are currently two Bills going through that will affect our local 911 service and how we handle it; it may be out of our hands depending on what it passes.

In response to Mayor Bendekovic, Councilman Levy indicated that it is going to be an unfunded mandate again.

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LEGISLATIVE ITEMS

Mr. Lunny read Item No. 13.

13. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE OF THE CITY OF PLANTATION, FLORIDA PERTAINING TO THE SUBJECT OF THE CITY'S GENERAL ELECTIONS; CALLING FOR AND ORDERING A BINDING REFERENDUM TO BE HELD IN THE CITY OF PLANTATION ON NOVEMBER 4, 2014 TO DETERMINE WHETHER A MAJORITY OF THE ELECTORS VOTING IN SUCH REFERENDUM ARE IN FAVOR OF CERTAIN PROPOSED CHARTER AMENDMENTS DESIGNED TO IMPLEMENT FROM MARCH OF ODD NUMBERS YEARS TO NOVEMBER OF EVEN NUMBERS YEARS, COMMENCING IN NOVEMBER OF 2016, SO AS TO COINCIDE WITH FEDERAL, STATE AND COUNTY GENERAL ELECTIONS; SHORTENING THE TERMS OF CERTAIN OF THE CITY'S ELECTED SEATS BY FOUR (4) MONTHS, BUT ONLY AS APPROPRIATE TO IMPLEMENT THE CHANGE SHOULD THE REFERENDUM PASS; REQUESTING THAT THE BROWARD COUNTY SUPERVISOR OF ELECTIONS CONDUCT THE REFERENDUM ELECTION IN ACCORDANCE WITH APPLICABLE LAW AND REGULATION; PROVIDING BALLOT LANGUAGE; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FINDINGS, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE THEREFOR.

A memorandum dated April 10, 2013 to Mayor Bendekovic and Members of the City Council, from the Legal Department, follows:

This item is sponsored by the Mayor. Given that this topic has been debated by the City Council previously, cost savings measures are becoming increasingly important, and that the "value" of having a "stand alone" municipal election seems to be decreasing as evidenced by the disappointing voter turnout that March elections engender, the Mayor determined that no further workshop discussion was necessary, and requested that a draft ordinance be prepared for First Reading tonight.

Florida's general statutory framework is clear that municipalities may change general elections dates and extend/decrease the terms of elected officials as necessary to implement the change by merely adopting an ordinance (i.e. without holding a referendum); however, these general laws apply only in the absence of any Special Act of the Legislature to the contrary, and the Legislature has imposed different rules for Broward's Municipalities by Special Act. To change election dates to November, Plantation must follow the provisions of Chapters 2004-443 & 2005-318, Laws of Florida (herein, the "Special Act"), which require the following:

- A. The adoption of an ordinance which would require referendum approval before becoming effective;
- B. The ordinance would be come effective 18 months after the effective date (from referendum);
- C. Terms of Office for elected officials can be extended or decreased by up to eight months for this change.

The next general election date in which a referendum could be held is November 4, 2014. If the Referendum passes, the ordinance would not become effective until after the March 2015 election (because of the 18-month requirement). Under the proposed ordinance, any elected seats whose term commenced in March 2013 would have their terms of Office shortened one time by four four-year terms, ending in November 2020 (and so on). Any elected seats whose term commences in March of 2015 would have their terms of Office shortened one time by four months to November of 2018. Candidates elected at the November 2018 election shall serve a four-year term, ending in November 2022 (and so on).

The draft ordinance is ready for consideration at First Hearing.

Mayor Bendekovic explained that this is about economics. As much as she has been in the firm philosophy that we should keep it in March, after the last two elections we have had a dismal turn out of voters. The time has come that we need to give the people a voice and let them decide if they want a November ballot. If they decide it then that is what we will do and if not, we will remain at the March. The March 2015 election will still go on but this is for the future of Plantation because we have to budget \$120,000 for elections. She is doing this for all economic reasons.

Councilperson Stoner commented that the March 2015 election would include Councilman Fadgen, herself and Mayor Bendekovic and whoever comes into those seats would serve until noon on November 16, 2018, which is only three and a half years.

Mayor Bendekovic advised that it has to be done on an even number in order to save the money.

Mr. Lunny indicated that their term would have to be shortened by four months.

Councilperson Stoner referenced the last paragraph on Exhibit A, "City Council shall be divided into five groups ..." "Groups 1 and 2 shall be elected on the first Tuesday in November 2016"; the years are not agreeing.

Mayor Bendekovic stated that the ones that got elected in 2013 would have to be on the November 2016, which shortens them by four months then the people that get elected in March 2015 would ordinarily go to 2019 but those individuals would get elected in November 2018 and they would be shortened four months.

Councilperson Stoner commented that she is Group 1 and it says November 2016 on Exhibit A and on Page 2 she is shown as March 13, 2015.

Mr. Lunny advised that they were reversed; he got the Groups wrong.

Ms. Slattery clarified the Mayor, Group 1 and Group 2 would be for 2018.

Mr. Lunny stated that those were the three that were originally done in March 1987 and that would be the change.

Mayor Bendekovic indicated that they are looking for support to take it to the people as a referendum in November 2014.

Councilman Fadgen advised that he is going to oppose the ordinance. There is no question that democracy is not cheap; it is an expensive operation. This will maybe make it cheap for the City but will very likely make it impossible for a challenger to get elected. Aside from the ballot position the candidates would probably end up in the 56th to 60th position on the ballot if voters can get to that point to vote for the incumbent or challenger. The number of voter households that would have to be contacted would be excessively larger than a March election. He does not believe that it serves the citizens of Plantation any good if we have campaigns that have no challengers; he believes that the candidates should be challenged; every office should be contested. That way we get a rich mix of ideas as to the direction the City should be going and he thinks that is good for candidates even if they lose and good for the residents of our City. He is going to vigorously oppose this and vigorously oppose the referendum item if it passes tonight. He urged his colleagues to vote it down.

Councilman Jacobs concurred with Councilman Fadgen 100%. This is something that keeps coming up and people keep asking for it so he thinks the proper way to do it is to let it go to a vote and he will also oppose.

Councilman Fadgen commented that before we put it on the ballot we should survey our people much like we did with the blue bags and the frequency of pick up. He believes we will get a good idea as to whether it is worth putting it on the ballot. He does not relish the idea of fighting a referendum item on the ballot; he has done it before. He would prefer to get a survey to see if there is any support for it.

Ms. Slattery advised that it is becoming increasingly more expensive to run these elections. Over half of the cities in Broward County have made the change to November so that means when we run a stand alone election in March our costs are only divided amongst the cities that are voting. We budgeted \$120,000 this year and it could be \$150,000 to \$175,000 in 2015.

Councilman Levy mentioned that the Supervisor of Elections charges all of the cities on a prorated basis whether they have it in November or not; it is not free.

Ms. Slattery agreed that it is not free; there is a cost. You will save approximately 50% or more of what you are paying right now for a November election because there are more cities and also a lot of the costs that are passed onto the City of Plantation in the March election such as the poll workers; those things would be picked up and the County would pay for those.

Councilman Levy concurred with Councilman Fadgen on a number of issues. Last on the ballot means a huge drop off in voters. It is very unfair to a challenger because a challenger does not have their name known. The incumbents may have been in office for a few years and it is almost a guarantee that the incumbents will win. The other thing is that you have to compete even for sign placement; prices are much higher during that period for printers and materials because of the nature of the demand. The lead time for printing will be at least twice as long; you will not be able to give someone something and say you need it within three or four days. Also, volunteers are mostly involved with the other campaigns; it would be very difficult to get any volunteers to help you at and certainly at the polls because they will be involved with the Governor, the Senator, with the State Representative. Very few people will come to forums because they are going to be much more interested in State offices and State debates all the way up to Presidency of the United States. Local candidates will be at the

bottom even if all the other candidates showed up. The local election would get lost in the shuffle; we would not get media coverage because State Reps and up will be covered. We have less ability to collect monies because most of the contributors will contribute to the more important offices than the one locally. There would be less ability to collect funds, get volunteers and get publicity. A lot of cities that went that way are not happy with the system and are trying to get out of it, which will take years to do so. It will cost the candidates a lot more money, a lot more effort and a lot more trouble to get their message across than it would as a stand alone election. This is why he is not in favor of it.

Councilman Zimmerman commented that he does not know that he could have done the same job if the elections were in November; he would have been up against a lot of other issues. It is a savings and during the campaign there is a savings out there of over \$100,000 but as Ms. Slattery said, it is not a real cost of \$100,000; it is less than that of savings that we will actually see since we share the costs. Trying to get newcomers out there in the market and trying to get them into participating in our government is an important process. It is a hard decision for everybody to make and it takes money to run a campaign. He had a good printer but he would not have been available if this would have been done in a November election; he would not have had the responsiveness and the costs would have gone up. We need to consider this; he does want to save money for the City but at this time we need to see where we want to go as a community and question whether we want to cloud the issues or focus on our community.

Mayor Bendekovic stated this was done because the residents need to have that voice; if they want it that is fine but it is also economics. It is up to the people. The philosophy she has always had was March elections but when it is heard over and over and people still receive emails it was time to let the people decide. If Council feels as strongly as they do then you will convince the people to feel the same way.

Councilperson Stoner commented that she was the newcomer two years ago and was determined that we needed to move these elections. As it was coming forward she had a lot of input from people and with all of this rational and what she has heard is a lot of me, me, me, and not about how it is going to affect the residents and our bottom line. She has said that there are lots of little things that add up to the deficit, not just one big thing. The residents have spoken over the last two years that she has been here and possibly longer; they want this and she thinks that while everyone has valid points and opinions, Councilman Jacobs said it best when he said we need to allow the residents to have their say and their vote as to what they wish. She thinks it is time to let them have a say.

Councilman Fadgen suggested doing a survey. He mentioned the blue bag survey.

Councilperson Stoner commented that a survey costs money. She questioned whether putting it on the referendum costs anything.

Mayor Bendekovic stated that we did not have to pay for the blue bag survey; other individuals paid for that. It does cost to put it on the referendum.

Ms. Slattery advised that it depends on how many things are on the ballot in November 2014; it is divided up amongst the County and all of the Cities that are on there. She believed it could possibly cost \$20,000.

Councilman Levy clarified that this is not me, me, me; this is talking about future generations of people who would like to sit on the dais and what it is going to cost them and you cannot give that information to the general public because they have not been involved in actual campaigns and how difficult it is to run a campaign. Unfortunately, you are locking people into a system that is going to cost them a lot more money to

even be able to run for office because they will not get as many contributors to the campaign to help defray the costs. Right now, to run a decent campaign in Plantation is at least \$30,000 to \$35,000 or more and it may be more in the future. You are asking a person who may be brand new to try to come up with that kind of money in order to defeat an incumbent will become more difficult.

Dennis Conklin, resident, was present. He thanked Mayor Bendekovic for sponsoring this item on the agenda. He has been trying to encourage the City to move in this direction for years. He mentioned the placement on the ballot because it is always said that this will show up at the tail end of the ballot. It is not as if you are voting on the sample ballot for Broward County.

Councilman Levy commented that Mr. Conklin works with the Supervisor of Elections and is speaking with knowledge.

Mr. Conklin advised that his work does not involve this; he is out in the public. He is not here as a representative of the Supervisor of Elections of Broward County; he is here strictly as a resident. From observation he can see patterns. The ballot is designed with the candidates first before the issues. The candidates for Plantation, if Plantation moved to the November ballot, would not be at the tail end of the ballot. The precincts determine the districts that will be on the ballot at that time. The cost is to the candidates, not to the public, not to the taxpayer. He has watched as several of the 31 Cities have made the switch to the November election and as Ms. Slattery said, when there are fewer in the election it drives up the cost for the remaining entities that are in the election. This is the candidates' problem or challenge; it should not be the public's problem when there is a chance at these types of savings.

Councilman Levy stated that this is a disservice to the public when you have fewer people running and we have less contested elections; therefore, there might be someone good out there who cannot afford to run a more expensive campaign.

Mr. Conklin indicated that if Plantation continues to be in a vote with fewer and fewer it is not hypothetical that the costs will go; that is an absolute. A survey was mentioned but you are getting it every two years with dismal turnouts.

Councilman Levy advised that the County average was the exact same as Plantation. Every other City had the same turnout, whether it be dismal or whatever, it equaled exactly what the percentage was Countywide in this vote. We cannot say Plantation had a dismal turnout; we can say the whole County had a dismal turnout if they chose to do that; that is the system.

Mr. Conklin commented that is what he has been suggesting we get out of the system of March elections. He is not saying it is Plantation only, it is system wide.

Robert Knox, resident, was present. He stated that the easiest way to reduce is to have each Department Head tell us what they think they can do.

Kingsley Smith, resident, was present. He mentioned that the local government elections are always different from other elections. He requested that the people be given the chance to vote on this issue. This has been discussed several times and Council has never agreed to move forward. With regard to earlier discussion, he understood that newcomers who do not understand the method or dynamics are at a disadvantage; he does not think so.

Larry Ebbert, resident, was present. He has been an advocate for moving to November but after listening to things that he has not really thought about he is about to change his mind. Whatever is good for the City is better for the residents.

Rico Petrocelli, resident, was present. He congratulated Mayor Bendekovic for bringing this forward. He heard some of the things that Councilperson Stoner heard tonight about the next Councilperson running and what their involvement will be. If someone wants to run for a Council seat they are going to do some research. The discussion was about people who are sitting on the dais. It is not about you; it is about the other people. He believes what Councilman Jacobs said was perfect; he will support it and can oppose it, but give the people the opportunity to say what they want. If we only get 7% of the people to turn the ballot over in November the worst thing that can happen is to save \$50,000. Plantation residents need the opportunity to say yes or no on this. If others choose to run years from now it is their problem, not the taxpayers' problem. His suggestion is for Council to vote 5-0 and oppose it on the outside. This way if the residents say no it is settled.

Jeff Holness, resident, was present. He mentioned President Thomas Jefferson, who believed in the power of the people and that choices should be given to the people. He believes we are not deciding whether to move the elections from March to November but if we are going to give the people the opportunity to make that decision. He encouraged Council to trust the intelligence, wisdom and the ability to gain knowledge of the residents and voters of Plantation and that they will make the right decision on this matter as to what is in their best interest. He requested that Council give the residents that opportunity.

Motion by Councilperson Stoner, seconded by Councilman Jacobs, to approve Item No. 13 on first reading. Motion carried on the following roll call vote:

Ayes: Zimmerman, Jacobs, Stoner
Nays: Fadgen, Levy

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Mr. Lunny read Item No. 14.

14. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE PERTAINING TO THE SUBJECT OF COMPREHENSIVE PLANNING; CHANGING THE FUTURE LAND USE DESIGNATION OF A PARCEL OF PROPERTY; SPECIFICALLY AMENDING CITY OF PLANTATION ORDINANCE NO. 1626, AS AMENDED, WHICH ADOPTED THE CITY'S FUTURE LAND USE PLAN AND MAP, TO REDESIGNATE A PARCEL OF LAND CONTAINING APPROXIMATELY 14.3+/- ACRES OF PROPERTY FROM "OFFICE PARK" TO "COMMERCIAL" SAID PARCEL MORE PARTICULARLY DESCRIBED AS A PARCEL OF LAND IN THE EAST ONE-HALF OF SECTION 9, TOWNSHIP 50 SOUTH, RANGE 41 EAST, SAID PARCEL INCLUDING A PORTION OF PARCEL 1, ACCORDING TO THE PLAT OF JACARANDA PARCEL 817 AS RECORDED IN PLAT BOOK 143 AT PAGE 1 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED IN THE LEGAL DESCRIPTION IDENTIFIED AS EXHIBIT "A"; PROPERTY GENERALLY LOCATED AT 8021 PETERS ROAD; AND READOPTING SAID FUTURE LAND USE PLAN AND MAP, AS AMENDED MAKING SAID PLAN AND MAP PART OF THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY OF PLANTATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

A Staff Report dated April 10, 2013, to the City Council, from the Planning, Zoning and Economic Development Department, follows:

REVIEW COMMITTEE RECOMMENDATION: On November 27, 2012, the Review Committee approved forwarding the application to the Local Planning Agency for review, subject to applicant addressing staff report comments. (See attached minutes)

LOCAL PLANNING AGENCY RECOMMENDATION: On February 5, 2013, the Local Planning Agency recommended approval subject to the applicant addressing staff report comments. (See attached minutes)

EXHIBITS TO BE INCLUDED: Ordinance; Review Committee minutes; Local Planning Agency minutes; and Land Use Plan Amendment Application.

BACKGROUND: The LUPA application combines two adjacent building sites:

1. A vacant parcel 4.5-acre site that fronts Peters Road (Duke Crossroads Five, LLC) and,
2. A 101,441-square-foot existing office building and surface parking lot (Duke Crossroads Four, LLC – Trade Station), LLC located directly north and fronting NW 10th Street.

Both parcels abut the rear parking area of the Office Max Plaza.

The combined sites comprise a single master planned development parcel (“development parcel”) containing 12.9 acres net (survey provided) or 14.3 acres gross (represented by the applicant). Net density includes only the private property while gross density includes to centerline of the adjacent public roadways. According to the City and County Comprehensive Plans, maximum density is based on gross acreage.

The applicant has applied for a Land Use Plan Amendment (“LUPA”) to change a development parcel from “Office Park” to “Commercial”. In this case, the applicant has proposed to retain the existing office building (Trade Station) and develop the four-acre parcel with a 286-unit apartment building. Commercial allows offices as a permitted use, and would allow the City to award residential units pursuant to the City’s Chapter 19 Code provisions regulating the assignment of flex and reserve units. The City Comprehensive Plan limits residential dwelling unit density to 25 units per gross acre. By combining Duke Crossroads Parcels Four and Five, the applicant is allowed to base apartment building density on 14.3 acres, in this case roughly 20 units per gross acre.

This master plan approach has been used to concentrate high-density residential adjacent to retail or office development in Midtown and is permitted pursuant to Policy 1.8.8 C of the Future Land Use Element of the City Comprehensive Plan. This approach has allowed the construction of multi-family apartments in Veranda, Midtown 24, One Plantation Place (approved 2006), and Revised One Plantation Place (approved 2011).

Once the applicant’s map designation is changed to Commercial and the Zoning Designation changed to SPI-3, an approximate 43,000-square-foot shopping center or office building could be built on the vacant 4.5-acre site. If the Trade Station office building were demolished, an approximate 143,000-square-foot office building or shopping center could be built on the combined development parcel. If parking was provided in a parking garage, larger buildings could be built in both cases. If the City Council chose to limit future uses to residential and office only, the applicant would have to voluntarily deed-restrict the combined development parcel accordingly.

If approved by the City Council, the LUPA will not become effective until it is approved by the Broward County Commission, the State Planning Agency, and recertified by the Broward County Planning Council. This process can take approximately 12-16 months, assuming no public hearings or review agency evaluations are deferred or delayed. The City Council must also separately approve the rezoning of the property to SP-3, allocation of flex and/or reserve units for the apartment building and a site plan.

Flex Reserve Unit Assignment

In addition to the "Commercial" future land use and SPI-3 zoning, the applicant also requests the assignment of 286 flex/reserve units to the vacant parcel; however, only 228 flex/reserve units remain in Flex Zone 75, which includes Midtown. In February, a second flex application was submitted by Camden Developers in conjunction with a new site plan to replace Midtown 24 Phase II. Camden requests an additional 60+/- flex/reserve units above the 228 units previously assigned to Midtown 24 Phase II in 2011.

One or both applications, if ultimately approved by the City Council, will need to be contingent on upon the merging of Flex Zones 75 (includes Midtown) and 74 (east of Flex Zone 75, north of Broward, and West of the Turnpike).

Merger of Flex Zone 75 and 74

Based on the anticipated reduction flex/reserves units in Midtown, the City Council directed staff on November 28 to apply to Broward County to merge Flex Zones 74 and 75. The Crossroads LUPA applicant agreed in December to submit the traffic analysis component of the application. PZED completed the application, except for the traffic portion, on February 1. The applicant submitted the traffic analysis on March 26. The traffic analysis will be reviewed by the Engineering Department prior to submitting the complete application to the County.

If approved by the Broward County Commission (a four to six-month process), the merged flex zone will contain approximately 750 additional flex and/or reserve units. Separately from the County review process, staff will also need to prepare and the Council approve amendments to the Comp Plan Neighborhood Design Element and Ch. 19 of the City Code.

ANALYSIS:

The Comprehensive Plan contains legislative policy guidelines which are designed to promote land planning decisions that are not arbitrary, but instead, principled. These policies guide the City's legislative discretion.

POLICY 1.16.1

The applicant has provided the following responses to Policy 1.16.1 of the Future Land Use Element.

The City shall consider the following policy considerations, in addition to all other appropriate policy considerations stated elsewhere in this plan, when making a decision on whether to change the zoning classifications for a parcel of property or change the future land use designation on a parcel of property:

1. Whether there is a change in population, socioeconomic factors, or physical development of property nearby or affecting the subject property, which change was unforeseen or unanticipated, and which change has created a present problem or opportunity that justifies a change of land use designation or zoning classification on the subject property; and further, the extent to which the proposed land use or

zoning would result in action towards mitigating any problem, or capitalizing on any opportunity identified above (the established character of predominantly developed areas should be a primary consideration when a change of zoning classification or of future land use designation is proposed);

Applicant Response: The subject site is located in the City's Midtown District. The Plantation City Council designated 860 acres as the Plantation Midtown District in 2004. The last few year have seen changes in development occur to nearby properties including the reconfiguration of the Fountains shopping center. The recent changing nature of the area and District provide the subject site with the opportunity to capitalize on its location in the District. The proposed commercial land use, which includes the potential utilization of Broward Count's flexibility rules for residential units, offers greater opportunities for the site to respond to changing conditions and to be developed in a manner more suited to the vision of the City's Midtown District. In addition, office uses are permitted within the commercial land use category. Therefore, the subject site will retain the ability to be developed with office uses.

Staff Response: Staff's response is based on a site plan concept that retains the existing 101,441-square-foot office building and adds a multi-story apartment building on Peters Road. Staff does not support the LUPA to allow a freestanding shopping center.

The LUPA proposed a change from "Office Park" to "Commercial" land use. The LUPA site is located in the "South Business Sub-District" of Midtown (Midtown Plan – Page 21). The Midtown Plan projects an additional 1.4 million square feet of office space and 120 dwelling units in the South Business Sub District projects by 2025. Since adoption of the Midtown Master Plan, no new office buildings have been built in the South Business Sub District. New construction includes completion of a 321-unit apartment complex (One Plantation Place) and the redevelopment of the adjacent shopping center (One Retail Place).

While not reflective of the South Business Sub-District land use projections, the proposed LUPA is generally consistent with the:

a. Midtown Plan goals and Objectives (Midtown Plan – Page 12). These include encouraging mixed-use environments that include residential use, and helping to support thriving commercial markets. In this case, the LUPA is directly adjacent to an office park, shopping center, restaurants, and supermarket.

b. Midtown "District-Wide" Residential Projection: The Central Plantation Midtown Master ("Midtown") Plan Development Program, Page 13, projects 2,985 dwelling units to be completed by 2012. By 2025, the Midtown Plan projects 3,995 dwelling units. 1,995 apartments have been built or are under construction as of January 2013. The proposed LUPA, by adding 286 new apartments in 2014-2015, is consistent with the district-wide residential unit projection.

2. The impact of development permitted by the proposed land use or zoning on existing public facilities and services, including schools, police and fire, potable water, sanitary sewer, local or regional roads, parks and open spaces, and drainage;

Applicant Response: The attached report demonstrates minimal impact of the proposed land use on public facilities and services. The impact of the proposed use on potable water and wastewater is less than under the current office-park land use.

Staff Response:

Water and Sewer: The Utility Department has evaluated this proposal based on the site plan concept, which includes the existing office building and new approximately 286-unit apartment building. The Utility Department says the apartment building will significantly increase demand for water, but will not exceed the City's Consumptive Use Permit.

Utilities has no objection to the master plan, providing the applicant address Consulting Engineers Hazen and Sawyer's report, dated 12/17/2012. The applicant shall also address Utility comments provided on page 10 of this report.

Schools: The School board will determine if the additional students will cause any Plantation schools to exceed capacity, and if so, require the applicant to pay school impact fees.

Police and Fire: The Public Safety Department has no objection to the proposed LUPA. The Police Department will review the site plan in detail for compliance with CPTED (Crime Prevention through Environmental Design) Criteria at time of rezoning; flex allocation, and site plan review. CPTED design techniques are employed to improve personal and property safety, including discouraging criminal activity.

Local or Regional Roads: The impact upon Roadway Level of Service to be evaluated by the Engineering Department pursuant to City Code Section 20-66, Transportation Capacity.

Parks and Open Space: Staff has loaded the 286 dwelling units into the demand portion of the City parks formula. Including the additional units, the City continues to exceed the Parks and Recreation standard of four acres of land per 1,000 persons. In addition, the City Code requires the applicant to pay local park impact fees.

Drainage: To be evaluated by City Engineer.

3. Whether development permitted by the proposed land use or zoning will be compatible with development permitted under the land use and zoning of property surrounding the subject property:

Applicant Response: The development permitted by the proposed commercial land use is compatible with the land uses surrounding the site. Commercial land uses are located to the north and east. The proposed commercial land use is also compatible with the office-park land uses located to the south and west of the subject site. In addition, any development occurring on the site will be consistent with the City's land development regulations which ensure compatibility between properties through the use of setbacks, buffers and other regulations.

Staff Response: In terms of future land use, existing land use, and zoning, the LUPA is compatible with the surrounding properties. The Future Land Use, Existing Land Use, and Zoning Designations of the adjacent properties are as follows:

	Future Land Use Plan Designation	Existing Land Use	Zoning
North	Commercial	Office/Retail	SP-3
South*	Office Park	Office Park	OP-P

East	Commercial	Office Building/Shopping Center	SP-3
West	Office Park	Hotel/Office Park	OP-P

4. The extent to which the proposed land use or zoning designation is consistent with the Goals, Objectives, and Policies of the Neighborhood Design Element where the property is located. (The City has an optional Neighborhood Design Element which effectively splits the City into five (5) different regions for future land use comprehensive planning purposes. Each of these five (5) regions is a discrete unit, unique in character and has special Goals, Objectives, and Policies. In evaluating any proposed change of a land use or zoning designation, the Goals, Objectives, and Policies of the affected flexibility zone Neighborhood Design Element should be given a primary importance);

Applicant Response: The subject site is located in the Plantation Midtown District. The proposed use is consistent with the GOPs of the District. The proposed commercial land use will allow for a greater variety of development potential on the subject site than the existing office-park land use.

Staff Response: See below.

PLANTATION MIDTOWN: NEIGHBORHOOD DESIGN ELEMENT

The LUPA, based on the site plan concept:

- a. Supports Objective 1.1 to create an appropriate mix of functional uses (residential and office).*
- b. Supports Objective 1.2 and the related policies by increasing the potential demand (350-400 additional residents) for cultural facilities and possible future transit service in Midtown.*
- c. Supports that portion of Objective 1.3 that encourages higher density, mixed use, and transit-oriented development. The LUPA does not support Policy 1.3.4, which encourages vertical multi story mixed use.*

Staff is requesting the office site be deed restricted to OP-P (“Office Park”) uses and the apartment site be deed restricted for apartment building use.

5. The extent to which development permitted under the proposed land use or zoning is consistent with the Goals, Objectives, and Policies of the Future Land Use Element and the other Elements of the Comprehensive Plan. (A land use or zoning change is consistent if it is “compatible with” and “furthers” the Goals, Objectives, and Policies of the Comprehensive Plan. The term “compatible with” means that the proposed change is not in conflict with the Goals, Objectives, and Policies. The term “furthers” means that the proposed change takes action in the direction of realizing the Goals, Objectives, or Policies. For purpose of determining consistency of a land use or zoning change with the elements of the Comprehensive Plan, the Comprehensive Plan shall be construed as a whole and no specific Goal, Objective or Policy shall be construed or applied in isolation of all other Goals, Objectives, or Policies in the Plan);

Applicant Response: The proposed land use is not in conflict with the GOPs of the City’s Comprehensive plan and is compatible with adjacent uses. Section XIV of the LUPA report outlines GOPs with which the proposed land use is consistent. In addition, the proposed land use offers greater opportunities for the site to respond to changing conditions and to be developed in a manner more suited to the vision of the City’s Midtown District while retaining office as a permitted use.

Staff Response: The proposed “Commercial” land use designation furthers the GOP’s of Comprehensive Plan if the property is developed in accordance with the proposed conceptual site plan.

Staff is requesting the office site be deed restricted to OP-P (“Office Park”) uses and the apartment site be deed restricted for apartment building.

6. Whether the project as proposed offers significant benefits not otherwise available to the City if the changes were not made (for example, does the planning, design, and development of the property exceed the minimum otherwise required land development requirements in terms of reserving appropriate open space, development themes, taking advantage of natural and manmade conditions or environments, controlling pedestrian and vehicular traffic systems, substantially intensifying landscape of providing landscape contributions to the City, improving or maintaining public infrastructure of infrastructure improvements or maintenance, exceeding setbacks and building separations where appropriate and reflecting an orderly and creative arrangement of buildings and land uses as appropriate?);

Applicant Response: The proposed use offers a greater variety of compatible potential development on the site while retaining office as a permitted use. In addition, impact on water and wastewater will be less under the proposed land use. Development under the proposed use will comply with the City’s land development regulations.

Staff Response: *Based on proposed site plan, the building design and setbacks do not meet or exceed the minimum SPI-3 standards. Staff continues to meet with the applicant’s architect to upgrade the building elevations.*

7. The extent to which the proposed land use or zoning would contribute to enhancing the tax base, adding employment, and providing other positive economic impacts;

Applicant Response: The proposed commercial land use allows for the development of uses which provide employment and retail opportunities while furthering the City’s vision for the Midtown District, including positive economic impacts to the area.

Staff Response: *Applicant has submitted a tax revenue analysis comparing a 40,000-square-foot office building with surface parking to a 286-unit apartment building with a parking structure, totaling over 550,000 square feet. Based on applicant’s assumptions, the apartment building will generate over 6X the tax revenue of the office building. This tax revenue differential between single story office and multi-story residential is expected. The proposed multi-story apartment building and garage contains nearly 14x the floor area of the single story office building.*

Other Economic Impacts: *A 40,000-square-foot office building can generate over 100+ full time jobs. * An apartment building generates very few jobs, usually in maintenance and leasing office staff.*

The apartment building is expected to house 350-400 new residents. The additional residential demographic should help support the redevelopment of the adjacent Carabbas Plaza, currently about 35% vacant.

**This assumes the demand exists for a new office building in Midtown. Overall office occupancy is about 85%.*

8. The extent to which the subject property has potential to be developed in a desirable manner under its present land use and zoning scheme;

Applicant Response: The existing office-park land use does not provide potential for the site to be developed in a more desirable manner. The proposed land use retains office as a permitted use while adding retail and other commercial uses, thereby offering additional development opportunities than under the existing land use.

Staff Response: *The site can be developed in a desirable manner based on present land use (“Office”) and (“OP-P”).*

9. The future land use and zoning needs of the community; and,

Applicant Response: The proposed land use compliments the future land use and zoning needs of the community by providing commercial use opportunities in a manner consistent with the City’s vision for the Midtown District.

Staff Response: *The proposed “Commercial” land use designation is consistent with the land use and zoning needs of the City if the property is developed in accordance with the office and apartment building site plan concept. For this reason, staff is requesting the office site be deed restricted to OP-P (“Office Park”) uses and the apartment site be deed restricted for an apartment building.*

10. Such other policy considerations that may not be set forth above but which are nonetheless considered by the City governing body to be reasonable and appropriate under the circumstances.

Applicant Response: The proposed use is compatible with adjacent land uses and the goals and objectives of the Midtown District.

Staff Response: *The proposed “Commercial” land use designation is consistent with the goals and objectives of the Midtown District if the property is developed in accordance with the site plan concept.*

11. The proposed future land use or zoning of the property does not and will not result in contamination of groundwater sources used to supply potable water.

Applicant Response: The proposed use does not and will not result in contamination of groundwater sources used to supply potable water.

Staff Response: *To be determined by the Engineering Department during site plan review.*

12. The proposed future land use or zoning of the subject property does not cause the City’s water demands to exceed the City’s water supply availability or consumptive use permit.

Applicant Response: The proposed future land use will not have a negative effect on the City’s water supply. The proposed land use will reduce the demand on the City’s water supply.

Staff Response: *The Utilities Director has indicated the proposed apartment building will not increase overall water demand such that it exceeds the City’s Consumptive Use Permit.*

PLANNING REVIEW COMMITTEE COMMENTS

PLANNING DEPARTMENT:

1. Policy 1.18.2 of the Comprehensive Plan (Future Land Use Element) requires that Redevelopment Area plans that include Plantation Gateway/CRA and Midtown shall be implemented by reviewing and comparing the Comprehensive Plan against the Plantation Community Redevelopment Plan, Central Plantation Conceptual Plan and Technology Park Neighborhood Plan. *Please see staff analysis below.*

(a) FUTURE LAND USE ELEMENT OBJECTIVE 1.6

Achieve growth and development (through the planning period and to build out) which is guided by this plan, consistent with the adopted Capital improvements program and a consolidated development code which contains subdivision regulations, innovative design, planned community development districts (PCD), mixed use development provisions. See Policy 1.6.2 for measurability. (Ord. No. 1974, 4/13/94)

Staff Response: Staff's response is based on the proposed site plan concept. The LUPA generally complies with the requirements of the Policy 1.6.2, with the exception of Ch. 27 Zoning regulations, including building elevations that do not meet or exceed SPI-3 Standards.

The site plan concept, in conjunction with the adjacent properties, provides horizontal mixed-use opportunities, a reasonable alternative to SPI-3 vertical mixed-use development.

(b) FUTURE LAND USE ELEMENT POLICY 1.6.1

The Future Land Use Plan map shall achieve a sound balance between the competing demands of environmental conservation, economic growth, and prevention of future incompatible land uses. (Ord. No. 1974, 4/13/94)

Staff Response: See staff response to Criteria No. 7 above.

(c) FUTURE LAND USE ELEMENT OBJECTIVE 1.18

Encourage innovation in land planning and site development techniques by achieving an on-site mix of residential and commercial uses and by promoting multi-story commercial/office/residential mixed-use development and multi-story office use developments in the Plantation Gateway/CRA and Plantation Midtown redevelopment areas. Multi-story use is as defined by the City's land development code.

Staff Response: The LUPA, based on applicant's site plan, does not support "on-site (vertical mixed-use" development as defined in the SPI-3 Land Development Code. However, the proposed site plan, in conjunction with the adjacent properties, provides horizontal mixed-use opportunities, a reasonable alternative to recommend vertical mixed-use development.

(d) FUTURE LAND USE ELEMENT POLICY 1.18.2

Redevelopment area plans that include Plantation Gateway/CRA and Midtown shall be implemented by reviewing and comparing the Comprehensive Plan against the Plantation Community Redevelopment Plan, Central Plantation Conceptual Plan and Technology Park Neighborhood Plan.

Staff Response: The proposed LUPA, based on site plan concept, is generally consistent with the Midtown Plan. The LUPA is not consistent with the "South Business Sub-District" land use projections.

(e) FUTURE LAND USE ELEMENT POLICY 1.8.7

Any commercial land use or zoning change application shall be reviewed in the context of vacancy and other market analysis data.

Staff Response: The applicant has provided a market analysis discussing multi-family apartment demand in the South Florida area. The study does not analyze current or future housing demand in the Midtown. A Midtown market analysis should include 525+ units under construction in Midtown today, the proposed 287 +/- additional units behind the Fountains shopping center, and the possibility of 590 new multi-family residential units at 321 North (Former Fashion Mall).

- III. As required in Section 20-61 of the City Code, the applicant shall submit the required concurrency review form for parks, water, sewer, streets, drainage, and solid waste prior to City Council consideration of the LUPA.

The standard single-page form is available in the Planning and Zoning Department. The applicant must present the form to the appropriate City departments for approval and return to the Planning and Zoning Department prior to City Council consideration.

ENGINEERING DEPARTMENT:

1. Tables 11, 12 and 13 incorrectly identifies SW 78th Avenue as a four-lane roadway, it is a two-lane roadway with a two-way left turn lane. Two of the roadways are incorrectly identified; they should be SW 80th Terrace (not SW 82nd Avenue) and SW 17th Street (not SW 10th Street) and are also two-lane roadways with a two-way left turn lane. Please revise the tables with the correct lanes and the revised LOS to verify they do not exceed the LOS D threshold.

TRAFFIC CONSULTANT: See Engineering.

DESIGN, LANDSCAPE & CONSTRUCTION MANAGEMENT: No comment.

BUILDING DEPARTMENT: No objections.

FIRE DEPARTMENT: No objections as to this land use plan amendment request.

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

UTILITIES: This is a substantial intensification of water use. Utilities will have no objection providing the applicant address our Consulting Engineers comments, Hazen and Sawyer report dated 12/17/2012. If approved, the following conditions apply:

1. Detailed Water and Sewer Utility Plans must be provided with submission.
2. Prior to a Building Permit or Business License being issued, the following must be provided:

- \$500 review fee must be submitted to the Utilities Department.
 - Water and Sewer Utility plans must be submitted to the Utilities Department for review and approval.
 - BCHD and BC EPD Permits must be approved.
 - Utilities Agreement must be executed.
 - Utilities Performance Bond must be posted.
 - Utility Easements must be executed.
 - Utility Inspection fees must be paid.
 - Capacity Charges must be paid in FULL.
 - Contact: Danny Pollio if you have any questions, 954-797-2159.
3. A pre-design meeting is required with the Utilities Department.
 4. Must provide receipt or check copy for \$2,000 deposit marked for Utilities Expenses to project cost recovery account.
 5. Offsite and onsite improvements and equipment will be required at applicant's expense to support project.
 6. Complete Water and Wastewater Utilities must be shown on plan before a proper review can be completed.
 7. Show all existing water and wastewater facilities on site plan.
 8. Provide plan for vacating easements as necessary.
 9. Show all new and existing water and sewer lines and easements on landscaping and drainage plan.
 10. Maintain all utilities and utilities easements for water and wastewater system access.
 11. Full Utilities plan review and approval is required prior to permitting. No lanes are for construction until marked "FINAL".

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

WASTE MANAGEMENT: Waste Management indicates no objection in terms of ability to provide sanitation service to the site. Waste Management has provided no comments on "site specific" waste collection and removal functionality.

Attorney Bill Laystrom was present on behalf of Stiles Corporation.

Mr. Laystrom explained that they are here on a land use amendment, which requires two hearings. This is the first hearing; it is a transmittal hearing. This applicant will then go to the County to be studied, very briefly to the State, then back to the County and back to the City for a second reading, which they anticipate probably sometime in September. This hearing gives them the opportunity to collectively get Council's comments so they can begin to address those. Along with this application there will be a site plan application, which has been filed and gone to the Developmental Review Committee. They are continuing to work with staff regarding elevations and landscaping. They will also have a flex unit application in order to assign flex units should Council ultimately decide to move this project forward. There will also be a plat note amendment for this as well. This property has been vacant ever since the Office Park was originally developed. It is a small piece of property, approximately 4.5 acres, located behind Publix on Peters Road. It has set vacant for a number of reasons; years ago an office project came through but financially it did not make sense and now the office market has depressed itself even more. As Stiles looked at the market they saw a great opportunity for the Midtown to develop and move forward. Many components go into the Midtown; commercial, residential, office, and employment. They are looking to balance all of those. The owner of the Crossroad buildings own this parcel as well as the office building directly to the north, which is part of the application, as well as the two office buildings across the way. While doing One Plantation Place, Stiles saw the property and thought this

would be an opportunity to take a look at putting up an additional apartment project providing some additional residential, stringing the concept of Midtown that runs all the way from the Veranda project at the north to One Plantation Place at the south. The small road that cuts through the Crossroads Office Park is part of the spine road for the Midtown concept. They considered a residential project that had enough intensity and density without going to the height used on the previous project. They did not think that the height on Peters Road was appropriate to be 10-11 stories high. Mr. Auerbach from Stiles and himself have been looking at this site for some time and the mechanism they chose was a land use amendment, which is actually to commercial. The only way to apply flex units to a property in Plantation is to go to the commercial land use category. They are categorically not creating a commercial land use; they have already agreed with staff to provide the deed restriction requested. Their intent from day one was to limit the use of this property to the residential use proposed. The office building immediately to the north is not changing at all and they have agreed to deed restrict that property because in the commercial land use category they can still do office and that building can remain as is. The only thing you will see is their project on those 4.5 acres. That leads to something that happens within the reports they provide with the application. Because they are asking for commercial, all of the impacts are based in that report on commercial. The residential project and office project are fairly close in the traffic they generate; the difference is that the office would generate traffic at the peak hour time whereas residential tends to be more throughout the day and also on the weekend. The peak hour, particularly the afternoon hours, is a challenge at University Drive and Peters Road. It is believed that if an office building were there instead, particularly if you were able to use structured parking, would actually increase the issues related to this site. As part of the site plan, they are looking at the feasibility warrant study for a light at the intersection of the cut thru through Crossroads and Peters Road with the idea that it may now warrant a traffic signal so traffic can come in and out and provide gaps for both the offices to the north and south of the site. As we go through this process we will have a traffic study for staff to review as part of a site plan process, probably in May or June. When looking at the staff report it is based as if they have a 145,000-square-foot shopping center, which is simply going to be deed restricted so it cannot be there. He mentioned the site plan, which is a little different design than what was seen with One Plantation Place. Parking will remain the same and units will basically be facing Peters Road and in the back up against the office building is where there will be a structured garage to allow for parking for those residents. He anticipates that a traffic light will be put in. He switched to the aerial showing the site, the existing office building and the Publix. The land use amendment is for the entire site in order to provide the density to allow for 283 units on the site. Those would come out of the flex base, which, as talked about in November, you are in the process of combining flex zones 74 and 75. They have to get that to you also by the time they come back in September in order to allow for enough units should you decide to move this project forward. The color scheme is a little different than before; it is in the process of being evolved as we go through meetings with staff to go through architectural design and redesign and continued design to try to improve the look on Peters Road.

In response to Councilperson Stoner, Mr. Auerbach advised the building is six stories with the ground floor being their office and amenities.

Mr. Laystrom mentioned the pool area, which looks into the back of the site with their parking garage. It is a little conceptual because they are still at the land use stage at this time. There is basically a pool area to an interior courtyard of the building as it wraps around the pool with other amenities. He stated that the site, itself, because it is elongated, they have attempted to wrap the units on as many sides as possible. They have already reached out to the LA Fitness property to provide a connection. They believe that the pedestrian access to all of these sites is critical; that was the original concept of Midtown. They are excited about the market.

Jon Auerbach, with Stiles Corporation, was present.

Mr. Auerbach advised that they have been very excited in the last 30 days as their One Plantation Place project has begun to come online. As early as the beginning of this month the first residents have started to move into the south tower and traffic has started to increase at their leasing center, which has been open for about six weeks. It has been an interesting demographic; the majority of the people have been of a professional nature. They have yet to have any students rent in the facility. One bedroom units are renting for about \$1,600 per month; two bedrooms are renting for \$1,900 and three bedrooms are renting for \$2,200. Renters are qualified by income. Their income needs to be about three times what the rent is. When correlating that, that is \$60,000 to \$80,000 households that are renting these units. Currently, there are about 30 leases signed and about ten people have moved in so far. There are 321 units so they have a long way to go. There is another project in Davie, the Signature of Davie, and that is a more traditional garden style apartment project. It is basically \$200 to \$300 less than we are and it seems to be attracting the more price point sensitive renters out of the market. We are also getting people who have sold their homes here in Plantation and still want to be a member of the community. They keep hearing that the lesson to 25 to 35-year-olds this past recession is that they do not want to risk their down payments in housing. As a demographic group, right now they are adverse to buying; they want the option of renting high quality. It is not that they cannot buy; it is that they want the flexibility and to be able to move up with their careers every year and are looking for a place that offers full maintenance, professionally managed so they do not have to worry about any issues.

Councilperson Stoner questioned how many one, two and three bedroom units are in One Plantation Place.

Mr. Auerbach stated there are 157 one-bedroom units, 146 two-bedroom units, and 30 or so three-bedroom units. The total should be 321 units. In this project the one and two bedroom units are reversed.

Councilperson Stoner commented that there is a potential of 1,250 people in that building. She questioned the breakdown of the units on the Midtown 24 project.

Mr. Auerbach did not know the breakdown of units; they were the contractor not the developer.

Councilperson Stoner indicated that we have One Plantation Place, existing Colony Apartments, two buildings in Midtown, Crossroads, Veranda and 321 North. She is seeing a lot of rentals and three or four are not finished. As far as the economy, we are having a little bit of a horizontal good thing one day and not so great the next day. On top of that we have traffic issues; the corner is a mess. The pedestrian path and the spine road do not exist; nothing is connecting any of that from Veranda to Plantation Place. She does not know why it was not put into place with the developers paying for it as they developed it. She thinks it is time to let the dust settle. If you look from University and I-595 to Cleary Boulevard, the skyline is changing with nothing but rentals. We do not know the full impact of the traffic for what is there and she is not inclined to approve this land change.

Mr. Laystrom advised that planning is all about looking to the future, which is difficult. The projects that are going now are because they have made a determination and based on hard economics of market studies they actually have rentals. These units are ready to go into the infrastructure. Even if this project were moved forward at full speed he is probably two to three years out; that is part of the land use process; before he would be able to attempt to open a unit. As far as traffic, he truly believes if an office building were built at that location there would be the same amount of traffic. The only discussion on traffic is that he could hold out because he does not have an office building and for some period of time that traffic is not on the road. That is tough because under the Midtown concept that would apply to the Fashion Mall property as a whole. There will always be better traffic on University Drive if the property is not developed but he does not think that is their intent. As with the other projects, this will generate six times the tax revenues of a comparable office

building. These are commercial projects that are assessed as if they are commercial projects, not a single family home where the base is protected and held down. He believes that in the long term he can show that the traffic is comparable between the office building and their project. The necessary road improvements will be done to make that improvement and over the next three years they will be coming online following those projects; otherwise, the Midtown concept was always one of height. That was the difference from years ago. The restaurants are doing much better but there has been a thinning out; there are 35% vacancies at the shopping center directly behind this one and at the Stiles shopping center. The problem becomes the way parking is set up; they cannot add additional restaurants because the parking will no longer hold it without creating structured parking. The reverse way to do that is to interconnect these projects. Part of the vision for Midtown is that you are not getting in your car to go downtown to work or someplace to eat.

Councilperson Stoner commented that no one is going to walk; there are no bikes or pedestrian paths. To her knowledge there is not a bike rack in the City.

Mr. Laystrom stated that every project he has done has a bike rack. There was a bicycle amenity in the park next to Midtown 24, Building 2. This is the vision the City created and what developers try to come in with. They are going to try to create the intensity downtown so that you can have a different restaurant, the kind that are open a little later at night, and have that pedestrian mix. People can easily walk to the Fountains from this location.

Councilperson Stoner questioned what paths he would take and whether they are lit.

Mr. Laystrom indicated that is the purpose of getting from this hearing to the hearing coming up. All of the projects that have gone in have components of the Midtown project tied to them whether it is the eight or twelve foot sidewalks, the park next to Midtown 24, and this project will probably be the traffic light. If sidewalks are needed they will start putting in sidewalks. The City has actually embarked on a number of projects; those chose to start at the north end. The sidewalk and road improvements have been made to the spine road. Each of the developers will pay their fair share for those improvements that are needed.

Councilperson Stoner mentioned a public safety issue with the traffic and the additional residents, which we want. She is not sure that we should not take a step back and let things settle a little before jumping into another rental complex.

Mr. Laystrom hoped that Council would let them move forward to show that they can answer those questions.

Councilperson Stoner questioned whether they would be under the new public safety impact fee that was enacted.

Mr. Lunny advised that it has not been enacted yet.

Mr. Leeds explained that the plan is that the public safety impact fee be paid at the time of permit. This project is minimal at least six months from permit.

Mr. Lunny stated that it will be up to the Council to determine that issue; sometimes you exempt from new fees in the project in the pipeline. The law allows you to impose an impact fee at the time of permit. The policy question is whether you want to do it in the pipeline and if it is far enough in the pipeline. The study will be brought to you by Finance at either the next meeting or the meeting after.

Councilperson Stoner questioned whether a traffic study has been done.

Mr. Laystrom indicated that there are two parts to the traffic study. They are doing the signal warrant study and they are doing a traffic study as part of the site plan. Council will have a chance to look at that in May or June. The whole purpose of the fee was that a developer knows the fee he has to pay.

Councilman Fadgen commented that 10 to 15 years ago he participated in charrettes for the Midtown and the concern was that the Midtown would not become State Road 7; that it would go through a decline before it had been resurrected. State Road 7 has come along but it has many restrictions. He questioned how this project fits into the Midtown Master Plan.

Mr. Laystrom advised that the Midtown project was to have that complete mix of uses. The Midtown plan itself had envisioned uses stacked on top of each other; however, over the course of time that has not worked out in the market place the way the planning community might have liked it so they are a little more what he calls horizontal. It has fit in fine with the Midtown concept. The property immediately to the east with the Carabbas restaurant, are excited because they are expecting the people to walk over to that shopping center. He stated that the people in the Fountains would be just as excited because that is the synergy they were expecting to keep the shops full. The smaller spaces are vacant and need to be filled and these types of projects are going to use those smaller local vendors than the national chains.

Councilperson Stoner mentioned that those were lost in the Midtown 24 towers; all of those shops are gone.

Mr. Laystrom stated that the mixed use does not work; this is the small vendors you will see at the Fountains because that is where everybody can go. They control all the way to the edge of the Fountains because the office building reaches that far. To the extent there was a security issue or lighting issue, their goal is to be interconnected. That is something they can look at with regard to doing more along that road.

Councilman Fadgen indicated that there is no question that high quality rentals will have people that will have disposable income and will create the synergy mentioned. His only concern is the height. It has been addressed that it is likely that the traffic in this facility will be spread throughout the day rather than during the peak times and he thinks that is a plus. The intersection on Peters Road and University Drive is still going to continue to be a problem. Perhaps some funding could be received for a bridge through the spine road all the way to the canal to cross the canal for people who want to head west on State Road 84.

Councilman Levy questioned whether they have talked to any of the neighbors regarding this project.

Mr. Laystrom advised that they have not talked to the residential neighbors because they are buried in there. They are always willing to meet with the neighbors wherever they are.

Councilman Levy stated that there are a lot of rumors going around about what is being done, if anything moves forward.

Mr. Laystrom commented that he would make a pledge between now and when he would come back in September to meet with whichever residential neighborhoods Council suggests. There are two neighborhoods immediately on the east side of University on both sides of Peters Road. He mentioned the traffic lights at I-595 and University Drive and noted that traffic does not clear.

Councilman Zimmerman expressed concern about the development overall. The traffic concerns him considering the numbers that are in the report. We are at capacity now and we are exceeding capacity of those

roadways. He thinks a little further traffic study to clarify what it is based on versus reality. We also have One Plantation that is not even at occupancy yet so we do not know what the impact of that is really going to be. It will impact the roadways as well as that area. He would like to see what is being done to control the traffic. He agrees with Councilperson Stoner with regard to pedestrian access, walkways, courtyards, and things to bring people and encourage the pedestrian link between this facility and everything not just to Carabbas but up through the Fountains and on up. He does not agree with the statement that people will go up the roadway; they will drive because there is no encouragement to walk along the sidewalk. Perhaps there needs to be a paved pathway with lighting and stores that open onto it. Pedestrian access is important to him. Looking at One Plantation, he is not impressed. It is absolutely the gateway to our City and there is a box going straight up. There is a little articulation but it is not a real nice piece of architecture. We missed an opportunity there; this is what people see all the time. In looking at the building elevations, we are very close to the sidewalk and we are losing canopy trees. He is not against the six stories, he thinks we need density and need to make it work, but the articulation and the way we handle the architecture of that building needs to be stepped up a little more. He understands that this is the first reading so he is all right with letting this go for the first reading but there are some strong concerns to make it go any further. He is voicing these ahead of time so the applicant can made a decision on how to move forward.

Councilman Levy stated that this is preliminary and is to give the developer and the developer's representative some idea of what we are all thinking.

Larry's wife did not say first name??? Ebbert, resident, was present. She mentioned traffic near Costco and noted that within one mile there is One Plantation Place, Crossroads and now another 280 rentals. She cannot fathom the thought of the traffic.

Larry Ebbert, resident, was present. If development continues Peters Road is going to be six lanes. All these condos are bringing traffic congestion and it is also going to bring in crime. There is a lot of future talk about everyone biking and walking to work but if you look at the fitness center on Pine Island Road the parking lot is full and those are athletic people. He mentioned the condos on NW 5th Street and the ones on State Road 7 and Broward Boulevard that are right on the sidewalk. He questioned where the greenery is in Plantation. He is totally against it and if he were to relocate to South Florida today he would go to Davie or Weston because of the way Plantation is building the monstrosity you see as you approach from the south to Plantation.

Mrs. Ebbert commented that Peters Road has become a race track and University has become a parking lot.

Mr. Laystrom explained that the goal of the Midtown was to move the buildings up; they have tried to balance. The reason there are canopy trees are because they made sure they could save them. Some utilities have been moved around in order to do so. It was decided to make the Midtown something special and yet there are neighborhoods that are around all four sides of the entire Midtown. They will look at the traffic light to see if some improvements can be done in that location.

Motion by Councilman Jacobs, seconded by Councilman Fadgen, to approve Item No. 14 for proceeding through the process. Motion carried on the following roll call vote:

Ayes: Zimmerman, Fadgen, Jacobs

Nays: Stoner, Levy

* * * * *

Mr. Lunny read Item No. 15.

15. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE PERTAINING TO THE SUBJECT OF MANAGEMENT FOR THE CITY'S MUNICIPAL RIGHTS-OF-WAY DECLARING A TEMPORARY MORATORIUM ON THE RECEIPT OR PROCESSING OF APPLICATIONS, PERMITS, OR PENDING APPROVALS PERTAINING TO THE INSTALLATION OF OR SIGHTING OF ANY "WIRELESS PERSONAL TELECOMMUNICATIONS SERVICES ANTENNA TOWER" AS DEFINED BY CHAPTER 5.5 OF THE PLANTATION CITY CODE OR "TOWER" AS DEFINED UNDER SECTION 365.172, FLORIDA STATUTES, OR ANY OTHER COMMUNICATIONS DISTRIBUTION FACILITIES WHOLLY CONTAINED OR MOUNTED ON A SINGLE, STAND ALONE TOWER AS MAY BE CONTEMPLATED BY SECTION 337.401, FLORIDA STATUTES, IN ANY MUNICIPAL PUBLIC RIGHTS-OF-WAY WITHIN THE CITY OF PLANTATION, FLORIDA; PROVIDING RECITALS; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE THEREFOR.

A memorandum dated April 4, 2013, to Mayor and Members of the City Council, from Donald J. Lunny, Jr., City Attorney, follows:

This item is sponsored by the Administration.

The Administration proposes a brief moratorium that would apply to the proposed new installation of "Microcell" and other Wireless Personal Telecommunications Towers within municipal rights-of-way. The recitals to the proposed Ordinance set forth the City's motivation for the brief Moratorium. It is intended to last no more than ninety (90) days.

The Moratorium would not: (i) prevent or affect applications to co-locate antenna arrays on existing telecommunication towers which have antenna arrays anywhere in the City, (ii) affect applications for new telecommunication towers on rights-of-way subject to the ownership or control of Broward County, the State of Florida, or the United States of America, or any agencies, or districts thereof, (iii) affect applications to install new telecommunication towers on private property, and (iv) affect any new telecommunication tower applications for any building site owned by Plantation or owned by Broward County, the State of Florida, the United States of America, or any of their respective agencies or districts.

State law requires that any City right-of-way regulations which reasonably apply to communication facilities within rights-of-way be non-discriminatory. The City allows both telephone and cable facilities in its right-of-way, and to this end, the lines are either on poles or underground, and the equipment is in cabinets. The attached moratorium ordinance would allow a personal wireless telecommunications antenna array to be located on an existing pole that otherwise supports communications appurtenances, and limits the size and placement of any ground mounted cabinets. Underground installations are also allowed. Finally, the City reserved the right to approve other typical installations by Resolution as the regulations evolve (in Section 3 [See lines 188-222 on page 31]).

The City's rules and regulations in this regard would need to be formulated and reviewed by the City Communications Legal Counsel, Matthew Liebowitz, Esq.

This Moratorium Ordinance is now ready for consideration at First Reading.

Mr. Lunny stated that he invited Counsel for Crown Castle, Melissa Anderson, who may have a person she would like to address the Council.

Brett Butler, City Engineer, explained that Engineering staff was approached by a company known as Crown Castle with an interest in entering into the City and occupying our local public rights-of-way with a form of telecommunications technology that we have not necessarily seen before in our local rights-of-way. We are learning about their technology and in the process of learning we became more aware of the fact that other cities were expressing some interest and even some concern. Widely driven by the nature of their equipment and how they would locate and whether or not their location and their equipment would be problematic to our residents or businesses, staff brought this to the attention of Administration and ultimately to the City Attorney. We have taken a much harder look at this and believe it is in the City's better interest to buy the staff and the City Attorney a little time so that we can appropriately establish some criteria and regulation in compliance with State Statute in our local ordinance so that we can work with companies like Crown Castle, permitting them to exist but in a way that we can uniformly regulate with this company or any company like them. The purpose of the moratorium is to give us time to properly address the matter.

In response to Councilman Fadgen, Mr. Butler advised that we do not currently have their equipment in this City.

Mr. Lunny pointed out that we have cabinets in rights-of-way; we already have poles in rights-of-way. The moratorium would allow exceptions so that if the Council would like to approve a typical installation that could be excluded from the moratorium as we go forward in this process. Also, the moratorium would not apply, as indicated by the ordinance, if this particular provider or like provider would want to locate on an existing pole that carries either phone or cable lines. You cannot discriminate and must treat uniformly all types of telecommunications companies. Our position is a little more narrow than Ms. Anderson's. Our position is that we allow poles to support lines for communication so their equipment can go on that kind of pole and then with a ground mounted cabinet for example. The ordinance would not affect any installation like that, which is a little different than the Mayor's Executive Order, so that would be a change we are asking Council to make. Generally, it is our desire to try to cooperatively work and locate these installations so that we are not to the greatest extent possible putting in new poles and having cabinets mounted on the poles. Council has assured that this particular company is cooperative, notwithstanding the press coverage that has been out there, that started this based on a comment at a public meeting. He does not want to create the impression that we have these streets without any kind of installations because as the pictures show, we have cabinets everywhere. This is just trying to balance those interests.

Councilman Jacobs questioned whether this falls under the old cell phone tower ordinance.

Mr. Lunny stated that it does not. The cell phone tower ordinance became dated years ago. He encouraged Administration to change it and we did not have funds to do so; therefore, that project never got accomplished. It will now need to be changed to more appropriately match State law and his vision for that is that will apply to private property and the legal question is what do you do for public rights-of-way in residential property. Our tower ordinance was largely superseded by State law for some number of years.

Councilman Jacobs commented that in that we superseded one of the principals to encourage co-location because everyone wanted to put up giant cell phone antennas and today you see six carriers on one tower.

Mr. Lunny indicated that he advised Council rather firmly that while the City is defensive of its rights-of-way and looks at things carefully we had been proactive in the area of communications and had an effective response

that has been very helpful to the industry and to the City in terms of having a good coverage for cell communications or data communications while at the same time giving a nice rate of return to the City in terms of license fees. That was the approach Council took.

Councilperson Stoner questioned whether the setback requirements are separate from this. She noted that FDOT requires a seven-foot setback from the edge of pavement for a permanent structure.

Mr. Lunny advised that there is very little land in a right-of-way or a setback.

Mr. Butler stated that it is not referred to as a setback; it is for preserving roadside recovery areas as well. All of those things will be taken into consideration as we consider how we want to work with these types of companies to exist in the right-of-way. That would be one example of something you want to be careful with. Other things to talk about is the fact that we have other types of poles that may exist in a similar area where they wish to exist and that pole might be useable instead of introducing a new pole they might use as a stand alone. The photograph provided of one of their facilities shows a stand alone pole that is one of their own designs and uniquely owned by them. We would prefer instead of populating our local roadways with more poles that they make use of existing poles, hopefully with the cooperation of other utility providers, which would be a better interest to the City. In the event there is a location they wish to populate with their equipment and we do not have another pole, how would we otherwise be interested in their location, so we are examining those aspects as well.

Councilperson Stoner questioned whether he is suggesting that they ignore the FDOT requirements.

Mr. Butler commented that he did not say that; he said to use a roadside recovery zone is a similar requirement that they will comply with. This is already applied to all telecommunications.

Councilperson Stoner questioned whether the parameters are in a separate document.

Mr. Butler advised that the parameters apply to policy; they are actually introduced in the ordinance and other areas of the code by reference. We make reference to FDOT and other standards and we continue to use those as we need to.

Councilperson Stoner questioned whether this is a permanent structure.

Mr. Butler advised that he would describe it as a permanent structure.

Mr. Lunny indicated that rather than have staff manage this without showing Council what is going on and what is planned they want to be sure that they receive the appropriate direction as to how this is going to move forward. From staff's standpoint, this is not going to get adversarial with the providers unless they do not cooperate as much as possible following staff's directive on ground mounted cabinets and co-location.

Councilman Levy commented that this is ugly and he does not want it outside of his home and he does not think that anyone in Plantation wants another straight pole with a little beacon on top sitting in front of their home. People are concerned about electronic eavesdropping and they do not know what is being put on these poles. He thinks this is ridiculous. At least with cell towers we got the industry to camouflage them in some way. He thinks that Plantation needs to get a handle on this or we are going to see a proliferation on every pole along side a right-of-way along side a street is another danger.

Mr. Butler hoped that Council is not misunderstanding his point of view; they are looking to protect the interest. There is an opportunity to address this; it has not been introduced.

Councilman Levy stated let's vote for this in order to create a moratorium in order to look at all of this.

Attorney Melissa Anderson, government relations counsel for Crown Castle.

Ms. Anderson advised that this is new technology and Cities are alarmed, particularly because of a Sun Sentinel article. These are called microcellular or small cell facilities. These types of facilities serve to improve the cell phone coverage in the communities they are placed in. These are not towers and they are not providing broad coverage; they are very pinpoint coverage to improve the cell phone service in the communities they go into. She referenced the Sun Sentinel article and stated that newspapers often do not get the story entirely correct. She attended the Lauderhill meeting to inform the Council that they were cooperating with Ms. Lightner's request to move the pole, to take the cabinet off the pole, to paint it and to satisfy her concerns. There was a second Commission Workshop where Ms. Lightner got up at the end of the meeting and she thanked her and Armando Hernandez, Site Development Manager, for working with her to move the pole to satisfy her concerns. It is not to say that everybody in the neighborhood is happy about the installations. She understands Cities and Counties concerns about their rights-of-way and what go into their rights-of-way. She understands this is a new issue/technology. Unfortunately, there have been experiences with cell towers in the 1990's and eventually a law was passed in the State of Florida, which made it very clear what the regulations regarding cell towers are. There is a Florida Statute, 337.41, which allows them to put these sorts of facilities into the public rights-of-ways in local governments. The municipalities and Counties have the right to manage this; however, what that encompasses is not entirely clear. They are installing 352 of these in South Florida; all three counties, from West Palm Beach to Homestead, and they are very eager to work with Cities. They own the poles and the facilities. They basically lease out the space to carriers; therefore, they have a vested interest in making sure Cities are happy and that they do these right. They accommodate more than one carrier. Typically these are not things that can be co-located on towers because they are very pinpointed in coverage. When there is a tower there is a very broad coverage. Since the i-phone came out the capacity and data exploded in the wireless field and towers are being overloaded and they cannot handle the capacity. These microcellular facilities help to provide coverage in areas that have very poor coverage. That is why they are not able to be co-located on traditional cell towers. They are here to cooperate. She understands that the City wants to take time to examine this and certainly that is warranted.

Mr. Lunny questioned whether these have been located on tall phone poles or FP&L poles in the past.

Ms. Anderson indicated that they have agreements with AT&T and FP&L. Their first preference is always to put it on an existing pole. It is more economical for them and it is better for the local government; however, that is not always feasible. Sometimes they have to plant a new pole with the cabinet on the side. They are very interested in cooperating with the City and understand the concerns.

In response to Councilman Levy, Ms. Anderson understands that the Council will look at things. They would like to meet with staff and have input into the ordinance. She believes they can give a lot of valuable insight and information.

Councilman Levy questioned whether their towers can take the place of a cellular tower.

Ms. Anderson stated that part of the problem in emergencies is power and it all depends on where their nodes are feeding into; they all go back to a central hub and those hubs can go to different places. If they go back to a tower and the power goes down on the tower then the nodes are not going to work. If they go back to the server and the server still has power then they may continue to operate. These particular nodes all have battery backup. The FCC has been encouraging mobile carriers and infrastructure providers to provide energy to these facilities for 911 purposes and emergency purposes.

Councilman Levy questioned if there has been any thoughts regarding solar power.

Ms. Anderson advised that as she understands, the difficulty with solar power is that you cannot really store solar power. It operates and once you do not have it anymore it is gone. She would have to get someone else to answer this question. She mentioned the three photographs and noted that they can put in landscaping and a light pole on top. They are here to work with the City.

In response to Councilman Levy, Ms. Anderson indicated that the tower may look tall in the picture but they always make their poles at the height of the other existing utility poles in the community; maybe 35-40 feet. It will not look like a tower; it will look like a utility pole. They provide whatever liability insurance, bonding and whatever the City requires. They are required by Statute to repair whatever damage may occur while constructing.

Councilman Levy commented that the State already has a law that allows these poles to be placed in municipal rights-of-way.

Ms. Anderson replied that is correct. Most municipalities are familiar with that law through AT&T and U-Verse. It is the same law, just a different configuration.

Mr. Lunny advised that if we are treating them the same as existing carriers, they can put the cabinet underground or hung on a pole like other carriers. Only in residential our area of authority if severely curtailed and then we will most likely have a law suit or we can reasonable cooperate, recognizing that our existing rights-of-way already have poles with cameras. While the public might be somewhat concerned how this particular installation looks, look at our rights-of-way and look at the installations.

Councilman Levy indicated that we are very limited what we can do in regards to this because the State had usurped some of our authority.

Mr. Lunny believed that was a fair statement.

Councilman Levy stated that we need to realize that we have limited authority in regards to this and in telecommunications itself because the field is ever revolving every year and Legislation, even on a National level, is changing. Five years from now these will be obsolete and we will be discussing something else. He wants the public to be aware that we are very limited on this local level on what we can do; the State and Federal have already passed Legislation.

Motion by Councilperson Stoner, seconded by Councilman Jacobs, to approve Item No. 15. Motion carried on the following roll call vote:

Ayes: Zimmerman, Fadgen, Jacobs, Stoner, Levy
Nays: None

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QUASI-JUDICIAL CONSENT AGENDA – None.

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QUASI-JUDICIAL ITEMS

16. REQUEST TO DEFER TO MAY 8, 2013 THE SITE PLAN MODIFICATION FOR SOUTH FLORIDA LASER CENTER.

A memorandum dated April 10, 2013, to Mayor and Council, from Laurence Leeds, AICO, Director, Planning, Zoning and Economic Development Department, follows:

Staff is requesting deferral of the above referenced item to the City Council meeting of May 8, 2013. Additional information is needed from the applicant in order for staff to conduct a complete and thorough review.

Motion by Councilman Fadgen, seconded by Councilman Jacobs, to defer Item No. 16 to May 8, 2013. Motion carried on the following roll call vote:

Ayes: Zimmerman, Fadgen, Jacobs, Stoner, Levy
Nays: None

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Mr. Lunny read Item No. 17.

Resolution No. 11675

17. **RESOLUTION** APPROVING A 2,023-SQUARE-FOOT SERVICE STATION WITH THREE REPAID BAYS, FIVE FUEL PUMP ISLANDS AND ANCILLARY CONVENIENCE STORE AS A CONDITIONAL USE TO BE LOCATED IN A SPI-2 (AUTO MALL) ZONING DISTRICT; PROPERTY LYING IN SECTION 1, TOWNSHIP 50 NORTH, RANGE 41 EAST; AND DESCRIBED AS A PORTION OF TRACT 8 OF FLORIDA FRUIT LANDS COMPANY SUBDIVISION NO. 1 AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA. GENERALLY LOCATED AT THE NORTHWEST CORNER OF STATE ROAD 7 AND NW 5TH STREET (501 NORTH STATE ROAD 7). PROVIDING FOR CONDITIONS AND LIMITATIONS ON THE ALLOWED USE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

Staff Report dated April 10, 2013, to the City Council, from the Planning, Zoning and Economic Development Department, follows:

REQUEST: Conditional use approval to allow the re-opening of a 2,023-square-foot service station (with convenience store) in an SPI-2 (Auto Mall) zoning district.

WAIVER REQUESTS: None.

EXHIBITS TO BE INCLUDED: Planning and Zoning Division report; subject site map; Conditional use/site plan application; and Review Committee meeting minutes.

REVIEW COMMITTEE RECOMMENDATION: NO OBJECTION to the project moving forward for further review (June 26, 2012).

ANALYSIS:

The subject site is 0.6 acres in area and located on the northwest corner of State Road 7 and NW 5th Street. The site is currently occupied by an abandoned traditional service station containing three garage bays and a convenience store space. The site is bound by office uses to the north, south and west, together with used car lots across State Road 7 to the east.

The applicant requests conditional use approval to re-open the existing service station with five fuel pump dispensers, three repair bays and an ancillary 300-square-foot convenience food store. The applicant has applied for a beer and wine sales license for the convenience store.

Because the site has been closed for more than six months, Section 27-768 requires a new conditional use approval be granted for the service station use. The applicant's response to the conditional use criteria is attached.

STAFF COMMENTS:

PLANNING AND ZONING:

Planning:

1. The concurrency form submitted with the application needs to be routed by the applicant to the required departments for approval and sign-off.

Zoning:

1. The survey does not accurately reflect the site area. A "notch" at the northeast corner of the site was sold to the property owner to the north. Submit an updated survey and legal description prior to submitting for permits. See the attached aerial highlighting the area.
2. When considering an approval for a conditional use, the City Council may attach conditions and safeguards deemed necessary by the Council for the protection of the surrounding property, neighborhood, and the area of the City in which the conditional use is located. The City Council conditions shall be in addition to comments and conditions listed in the staff report and as required by the Code of Ordinances. Staff conditional use conditions include the following:
 - a. There shall be no expansion of the convenience store space above 300 square feet.
 - b. The convenience store shall close at 10:00 p.m. nightly.
 - c. City approval of the alcoholic beverage licenses for sale of beer and wine for off premises consumption is contingent upon the applicant submitting a survey confirming compliance with the separation requirements as required by Chapter 3 of the code.

TRAFFIC CONSULTANT: See Engineering.

ENGINEERING DEPARTMENT:

Site Plan Comments:

1. Please bring the signing and marking up to current standards.

Permit Comments:

1. An Engineering permit will be required for the signing and marking.

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

DESIGN, LANDSCAPE & CONSTRUCTION MANAGEMENT: Staff has no objection to the requested conditional use. However, staff requests the property be brought to code as per City Council approved landscape plans:

1. Please replace all missing, dead, and/or declining plant material including but not limited to trees, palms, hedge, ground cover, sod throughout the site as per City Council approved landscape plans.
2. Three inches of clean mulch shall be installed around each tree and throughout planting beds; mulch shall be kept three inches away from the trunks and stems of plants. Please do not use Cypress or red mulch.
3. All landscape areas shall be provided with an automatically-operating underground irrigation system; with a minimum of 100% coverage, with 50% minimum overlap in groundcover and shrub areas. The rain sensor must be installed and operational as well as the rush inhibitor if applicable.
4. Fertilize all planting beds and trees on the property. Our soils in Plantation lack certain elements; therefore, we typically suggest a general use fertilizer with an analysis of 8-2-12 or a palm special/ornamental tree fertilizer with an analysis of 13-3-13 or similar. Follow manufacturer recommended rates and methods of application. Maintenance of existing irrigation system.
5. Please contact Diana Berchielli at 954-797-2248 for an on-site meeting to discuss this matter.

BUILDING DEPARTMENT: No objection.

FIRE DEPARTMENT: No objection as to this request.

POLICE DEPARTMENT: Applicant shall comply with State law governing convenience food stores.

UTILITIES: No objection.

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

WASTE MANAGEMENT: No comments.

Councilman Levy advised that this is replacing a service station that was there and is no longer in use. It is not like we are changing out what was there already. It is nice to see it being resurrected and used again.

James Hack, representing the property owners, was present.

Motion by Councilman Fadgen, seconded by Councilman Jacobs, to approve Resolution No. 11675. Motion carried on the following roll call vote:

Ayes: Zimmerman, Fadgen, Jacobs, Stoner, Levy
Nays: None

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COUNCILMEMBERS' COMMENTS

Mayor Bendekovic created Council notes for Council members. Most of the departments have provided ongoing projects along with the status. This will be more of a quarterly thing. Our Annual Report is on the website but these are notes for expenditures and everything about the Annual Report.

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Councilperson Stoner mentioned a memorandum from Kristi Caravella to the Mayor regarding the Penn Credit Debt Collection Update. This addressed Administrative policies regarding uncollectable accounts in the City. One of the issues is that per a City ordinance a general interest charge of 1% will be assessed per month on the unpaid balance of any account receivable. That is compound interest; it is not simple interest. Presently, the Florida Statutes have on any judgments to be collected 4.75% for the past couple of years. She suggested that our interest charges be based on what the State is currently charging under Statutes.

Mr. Lunny stated that Councilperson Stoner shared her concern prior to the meeting and during the meeting he looked at the Section and that is what he would consider the default rule. We do have provisions in contracts that relate to interest and special assessments that have a different interest rate, which are established by law. This is only unless there is no other interest rate established rule; this is not a general statement because special assessments are limited to 8% unless bonds are issued and there are other provisions that we have that specify different rates. The provision has been there for some time in terms of late payment. It is a policy question for Council but it does impact some collection and sometimes the Mayor or Mr. Shimun reduces interest as part of a work out arrangement.

In response to Councilperson Stoner, Mr. Lunny advised that in order to change it an ordinance must be adopted.

Councilperson Stoner questioned whether they could direct Mr. Lunny to prepare an ordinance to do that.

Councilman Jacobs commented that the interest rate complies with State law so there is nothing illegal about it. The concern is that it is too punitive. Is the question that they are charging interest on the interest?

Councilperson Stoner stated that compound interest is way above and beyond. As far as charging interest on interest, that is the way it is set up.

Mr. Lunny noted that it is 1% per month on the balance late and that is only if there is no other interest rate specified. As he said before, it is a default rule. He cannot tell you whether that is 60% of the obligations that people owe the City or if it is 10%.

Councilman Jacobs mentioned that over the years he has seen many invoices with 1% per month from many businesses for late payments, sometimes a lot more than that. The 1% per month used to be common.

Councilperson Stoner indicated that if you look at the State Statutes since January 2012 it has been 4.75% and even going back to 1995, the highest year was 2001 at 11%.

Mr. Lunny advised that the statutory prejudgment interest applies where there is no other rate specified.

Councilperson Stoner questioned how much is outstanding.

Ms. Caravella stated that there are various different types of invoicing so these could be for fire alarms or EMS. Some bills are as low as a utility bill; \$30 to \$50 per month. In that case the interest charge is very minimal.

Councilman Jacobs questioned whether the interest gets charged on the balance due including the prior interest every month.

Ms. Caravella indicated that it does not include the prior interest, it is just the balance.

Councilperson Stoner commented that it does not say that; it says the unpaid balance. At the end of the month if there is an additional 1% interest there is a new unpaid balance. It does not say the original principal amount due.

Ms. Caravella advised that she can reread the policy but it is just the unpaid balance not including the interest rate.

Councilperson Stoner believes that needs to be added in.

Councilman Jacobs commented that if that is the way it is then 1% is not so bad. It does not hurt to clarify.

Ms. Caravella stated that she will clarify the language.

Mr. Lunny indicated that there is an ordinance on this subject that will control regardless of any Administrative policy. He referenced Section 2-272; "Unless a different rate is provided otherwise by a specific contract or instrument e.g. a default provision pursuant to a vendor or construction contract or by a topic specific resolution of the City Council, which implements an interest rate authorized by Statute or the City Charter, e.g. a special assessment resolution promulgated pursuant to Chapter 170 Florida Statutes or the City Charter by a different specific code section. Interest shall accrue on sums due and owing to the City at a rate of 1% per month on the unpaid balance".

Councilman Jacobs noted that the policy follows the ordinance.

Councilperson Stoner reiterated that it does not say unpaid principal; it is in fact added on.

Mr. Lunny concurred with Councilperson Stoner; it is compounded. There is nothing wrong with the number; the number is legal. It is just a question of policy; does the Council want to change the policy.

Councilman Jacobs advised that we do not want to charge interest on interest.

Ms. Carvella stated that the policy does mirror the ordinance; that is where she got it from. Pen Credit was told to set up on the original balance.

Councilperson Stoner commented that they were informed incorrectly; what they were told does not match the Charter. Her original issue is compound interest on an unpaid balance. She believes that an easy resolution is if we come back and say we use the States interest rate.

Councilman Levy noted that it says 1% based on the unpaid balance.

Councilperson Stoner reiterated that it does not say unpaid original balance. It compounds every time. The rule can be changed. If there is a consensus Mr. Lunny can change this.

Councilman Jacobs questioned why we should spend money to change an ordinance; it is not that important. We are not charging interest on interest and no one is going to complain about it.

Councilperson Stoner indicated that if you are not charging interest on interest then you are not implementing the Charter properly.

Ms. Caravella commented that has been going on long before she got here. The policy you have is only to unpaid accounts. The policy she stepped into in the Finance Department is to not charge customers interest on their interest; it is on the original amount of the invoice.

Councilperson Stoner mentioned that this is correcting what is in place and moving it forward to be correct or revised.

Councilman Levy believes that everyone is in agreement that we need to look at this and put it in proper language where we only pay interest on the unpaid original balance.

Mr. Lunny noted that it is simple interest.

Councilperson Stoner agreed; it is simple interest. It is one way or the other. Simple interest is fine. Councilman Jacobs stated that simple interest is fine. That is the way it should be.

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Councilman Fadgen mentioned property owners on State Road 7 on the southeast side of the corridor. Those are single family homes that have been converted to offices and he believes the zoning for that area is for professional. He has heard from a property owner that it is an undo burden trying to restrict it to professional. There has been some conversion of uses there and supposedly once these properties sell they are supposed to revert back to professional business as opposed to general commercial. The property owner in question does not have any objection to the motel remaining a motel but that person is trying to sell their property and with the professional designation it is a problem. It might be better to have a conditional use preferred professional or some other general business use that is compatible with that area and not impacting it negatively. He is putting this out for consideration sometime in the future.

Mr. Lunny questioned if Mayor Bendekovic should ask Mr. Leeds to look at the range of uses and maybe bring it back to Council or send a memo showing the range of uses. If you could identify exactly what parcels are in question, Mr. Leeds can confirm the zoning.

Councilman Fadgen noted that he would be happy to identify the parcels in question.

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Councilman Levy mentioned calls he received from several residents in Royal Palm in the south and north area about a number of burglaries over the last couple of months. They wanted to know what was being done about this.

Chief Harrison is aware of the situation. It is being addressed but he preferred not to say how it is being addressed. He noted that it is unusual for that area.

Councilman Levy questioned whether there are any trends happening throughout the City that Council needs to know.

Chief Harrison stated that there was recently a trend of rims and tires stolen off of cars in different areas of the City. There is still a burglary issue with vehicles and he emphasized not to leave any personal belongings in the open in your car. The community could do themselves a favor and the Police Department by not putting personal belongings in the open; it is easy prey.

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PUBLIC REQUESTS OF THE COUNCIL CONCERNING MUNICIPAL AFFAIRS

Dennis Conklin, resident, was present and made the following comments:

- He thanked Council for passing Agenda Item #13 regarding the possibility of a City Charter change for elections.
- He recognized the passing of Prime Minister Thatcher.
- He has requested unifying the name of the street that the Police and Fire Department are located on in honor of President Reagan. He is again making the request.

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Jeff Holness, resident, was present. He congratulated Councilman Fadgen, Councilman Zimmerman and Councilman Levy on their successful elections. Running for elections involves a lot of sacrifice on ones family and he commended everyone who ran. He thanked previous Councilman Tingom for everything he has done for the City of Plantation. He also thanked Mayor Bendekovic for doing a wonderful job, as well as Councilperson Stoner and Councilman Jacobs.

Mr. Holness encouraged Council to work in a cordial manner and to amicably disagree and be selfless as they serve the residents of Plantation. As a resident, he encouraged Council to do everything possible to keep taxes low, to control spending and work to increase useable reserves in the City of Plantation. He would also like Council to find alternative ways to generate revenues including focusing on economic growth, looking out for residents and treating employees well. He plans on staying active in the City and will try to make a difference in the lives of residents.

Councilman Fadgen thanked Mr. Holness for the good wishes and congratulated him on a very well run campaign.

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SEALED COMPETITIVE SOLICITATIONS

Mr. Lunny read Item No. 18.

Mr. Lunny advised that if Council agrees with staff recommendation they should approve the award as indicated by staff and if that motion passes then he will announce the outcome for the public.

18. AWARD CONTRACT FOR THE SITE IMPROVEMENTS AT VETERANS PARK TO LOWEST QUALIFIED BIDDER.

A memorandum dated March 19, 2013, to Diane Veltri Bendekovic, Mayor, from Danny Ezzeddine, AIA, Director of Design, Landscape & Construction Management, follows:

On February 12, 2013, the City of Plantation had solicited a Request for Proposal for the site improvements at Veterans Park. On February 26, 2013, the City received five (5) responses. The proposals were all over budget; therefore, the City rejected all proposals and rebid the work on March 5, 2013, where three (3) bids were received on March 19, 2013.

After reviewing and evaluating the proposals, I am recommending that the City Council award a contract to the lowest qualified bidder, subject to final review by Administration and Legal Departments.

Funds are available from Community Development Block Grant.

Should you have any questions, please contact me.

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

Ayes: Zimmerman, Fadgen, Jacobs, Stoner, Levy

Nays: None

Mr. Lunny noted that the vote awarded the contract to V Engineering & Consulting Corp, whose base bid was \$47,999.

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Meeting adjourned at 10:38 p.m.

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Meeting resumed at 10:39 p.m.

WORKSHOPS

Mr. Lunny read Item No. 19.

19. INTRODUCTION TO PRIORITY BASED BUDGETING.

A memorandum dated April 5, 2013, to Mayor and City Council Members, from Susan Slattery, City Clerk, follows:

Item No. 19 on the April 10 agenda has no backup. There will be a presentation at the City Council meeting on Wednesday evening.

Thank you.

Mr. Shimun indicated that times are tough and it is believed that Local Government is going to be leading the way in innovation because the State and Federal Government really have not been able to do so.

Mr. Shimun discussed priority based budgeting. When going through last year's budget process they promised that significant changes would be made as to how they budget for operational expenses to run the day to day operations of the City and they also promised to develop a way to live within our means. For the last several years we have been spending more money than we take in and we do not want to find ourselves in that situation again. There is an opportunity to implement a process that will provide a legacy; we can create a stable economic policy for Plantation that focuses scarce resources on the most highly valued programs and services. We can better budget tax dollars provided by the citizens of Plantation by making better use of information. We can establish a solid policy that continuously matches resources with community priorities defined in the City's Strategic Plan. Local Governments are going to continue to face unknown financial and political pressure and they will continue to struggle to develop meaningful and fiscally responsible budgets. Priority Based Budgeting is a unique, innovative, effective, scalable, and repeatable approach being used across the community of all sizes.

Priority Based Budgeting enables Local Governments to reassess their priorities in order to make sound, long term funding decisions. It ties programs to achieving goals defined in the Strategic Plan and this is done in the private sector in order to drive shareholder and customer value. Priority Based Budgeting provides the Elected Officials with clearly presented information that leads to better informed decisions. It identifies every program offered by the City and the cost to provide that program. It evaluates the relevancy of every program on the basis of the City's Strategic Plan and it can guide Elected Officials when communicating with staff regarding any decisions brought before them that have a financial or fiscal impact by showing you what those impacts are. It provides objectivity in determining how to match available resources with community priorities outlined in the Strategic Plan and those programs that are mandated by the Federal and State Governments. It also answers several questions.

We have an opportunity to make significant changes that will enable the City to link funding decisions to our priorities. It will align resources with what citizens value most and it will do this within our budgetary constraints.

Since this is practice that is being adopted all over the country and we are at the infancy stage Council will be looked upon as the visionaries that the communities will call upon for expertise and guidance as they also set up this type of program.

The Government Finance Officers Association may be thinking of making this a practice for all government entities to implement and if it does become a mandated practice we will be ahead.

Ms. Caravella stated that all of the Department Directors, the Mayor, Mr. Shimun and herself had an opportunity to participate in a Web Conference, which showed amazing things being done with the Priority Based Budgeting. It simplifies decision making and allows you to prioritize programs. Prioritization can be done in many ways; it can be done by a requirement to be mandated by another level of government or by our

own internal standards; whether it is valued by the community; what the economic impact is; and whether there is revenue generated.

Ms. Caravella presented a brief overview of the Power Point presentation as follows:

- Priority Based Budgeting is an objective process that allows City leadership to identify programs that are a higher value to the residents and achieve the objectives that are most visible and effective.
- The goal is to value programs relative to one another prioritizing funding for each program according to its impact on citywide goals.
- Value is defined by our citizens and it is different for each community.
- Just like in the market place, we want the most value for our money.
- The cost of government is limited by the value that citizens place in government.
- Governments can complete and stay relevant by delivering more value per dollar.
- Priority Based Budgeting promotes a meaningful discussion about the City's budget – data is elevated to information for policy decisions.
- Government Finance Officers Association supports the use of Priority Based Budgeting.
- Spending within our means is a common understanding of the amount of resources available and there is a clearly established limit on how much can be budgeted for the upcoming year.
- There are no “secret funds” to fix the problem.
- Traditional budgeting attempts to continue funding all the same programs it funded last year; albeit at a reduced level (i.e. across the board budget costs).
- Priority-based budgeting identifies the services that offer the highest value and continues to provide funding for them, while reducing service levels, divesting, or potentially eliminating lower valued services.
- The incremental or line-item approach is not up to the financial challenges posed by the new normal of relatively flat or declining revenues, increased costs from health care, pensions, and service demands.
- Priority Based Budgeting is like incremental or line-item budgeting in that it is still a political process; it does not make budgeting apolitical.
- Priority Based Budgeting is not a one-time event, it is an ongoing process; it is the **NEW NORMAL**.
- Programs change from defending costs, expenses, and inputs to how well state outcomes are fulfilled.
- Staff no longer passively awaits judgment from the budget office instead they create their own solutions because Priority Based Budgeting invites them to establish their programs' relevance to the community.
- Focus moves from cost inputs to outcomes of expenditures.
- Priority Based Budgeting changes the tone of budget discussions from a focus on how money was spent last year to a focus on how the most value can be created for the public using the money that is available this year.
- Priority Based Budgeting is predicated on forecasting-clearly identifying the amount of revenues available to fund ongoing operations, one-time initiatives, one-time uses and capital expenditures – this is instead of identifying the amount of resources the organization needs for the next fiscal year.
- All stakeholders must understand what is truly available to spend for the next fiscal year.
- The point is not only to identify the amount of resources available, but also to gain an understanding of the factors that drive revenues.
- Elected Officials show consensus and support for the Priority Based Budget process. They also endorse strategic priorities; review rankings, including cost and level of service, who benefited and how services are delivered; review performance measures that determine how efficiently and effectively each program will help meet strategic priorities and desired results.

- A web page will be created devoted to the process that provides citizens with regular and timely updates and brings transparency to the process.
- When elected officials, the public and employees are involved in the process you achieve democratic legitimacy.
- Democratic legitimacy means that the process is consistent with the will of the public.
- Democratic legitimacy gives elected officials permission to resist narrow bands of self-interest that seek to overturn resource allocation decisions that are based on the greater good.
- The strategic planning process and Priority Based Budgeting go hand-in-hand.
- Development of mission statement and strategic priorities are part of the strategic planning process.
- Identify available resources.
- Identify strategic priorities and essential services.
- Define priority results more precisely.
- Score programs using criteria rating.
- Compare scores between programs.
- Allocate resources.
- Strategic priorities are developed based on the City's mission statement – they capture the fundamental purposes (goals) for which the organization exists and are broad enough to have staying power from year to year.

The City of Plantation's strategic priorities are:

- SP1 = Delivering services that meet customer expectation.
- SP2 = Fostering a dynamic work environment that encourages creative and innovative thinking and responsible and ethical behaviors.
- SP3 = Encouraging sustainable and thoughtful development, social conscience and environmental stewardship aimed at quality of life.
- SP4 = Cultivating collaborative community relationships.
- SP5 = Protecting and preserving the welfare, health, and safety of the community.
- The process includes an inventory of programs being conducted.
- Each program is categorized as high, medium, or low priority and performance indicators are established.
- Budget reductions can be organized around program priority.
- Cuts in low priority services are generally acceptable.
- Cuts in medium priority services reduce department's effectiveness.
- Cuts in high priority services would destroy department's purpose.
- A program is a set of related activities intended to produce a desired result/outcome.
- The decision unit is Priority Based Budgeting is programs.
- The full cost of programs must be determined (revenues generated by the program should also be outlined, if applicable).
- Programs are sized in a way to allow for meaningful decision making.
- Programs are presented by strategic priority and by department.
- Programs may influence several strategic priorities or may be matched with only one priority but with a greater degree of influence.

Example: Programs in a Police Department might include crime investigations, victim services, traffic; “supplying a bailiff for courtrooms” would not be a program but a task (function) within court security program.

- A program is not too big or too small, typically at least or \$100,000.
- Programs that are handled by less than 1 FTE are combined with other existing programs.
- A program is a group of people working together to deliver a discrete service to identifiable users.
- A program groups all tasks that a customer of that program would receive and does not break one program or service into multiple items based on tasks.
- A program is individual – has its own name (that is understandable to average reader), staff, and customers; stands alone and is distinct from other programs in a similar service area.
- The first step for program review and scoring is to inventory the programs offered and then align them with their importance and relevance in achieving strategic priority results.
- Program inventory highlights key characteristics of each program and serves as a basis for discussion about services that should be provided.
- Alignment with strategic priorities helps to identify duplication and overlap and point out positive opportunities to enhance efficiency and effectiveness.
- This allows departments to cooperate and to propose new and innovative ways to achieve a result rather than relying on past ways of doing things.
- Private firms, non-profits, or other organizations could be approached to compare, collaborate and/or compete in provision of certain programs.
- Program inventory includes description of program.
- Full cost = direct plus indirect costs.
- Alignment with strategic priorities.
- Current service level.
- Mandate review.
- Changes in demand for services.
- Support from program revenues.
- Differentiate programs from functions.
- Additional factors in scoring include mandates to provide service; level of cost recovery; change in demand for service; reliance on government to provide service (as opposed to private or non-profit sectors).
- These review and scores are then provided to elected officials with additional explanation and backup as requested.
- Elected Officials may request more information on how ranking and scoring was completed.
- Priority and program alignment and scoring is done by Department Directors and reviewed by the Strategic Planning Committee (an interdisciplinary committee).
- Ranking is not a budget allocation exercise but rather a process to express that certain programs have greater relevance to community than others.
- Ranking and prioritizing demonstrates the measureable influence the programs have on strategic priorities and desired results.

Outcomes and Benefits of Priority Based Budgeting:

- The culture of the organization moves from *spending* to *achieving results* through the budget process.
- Priority Based Budgeting improves decision-making and changes the conversations around what the organization does (programs and services).

- Priority Based Budgeting determines how effective the organization is in accomplishing strategic priorities and how focused it is on allocating resources to achieve results.
- Priority Based

No action was necessary.

In response to Councilman Jacobs, Ms. Caravella stated that the Workshops will be before the Council meetings. She believes there will be five Workshops.

Mayor Bendekovic indicated that the Workshops will normally be at 6:30 p.m. The Benefits will be on April 24, 2013 and the Pension will be on May 8, 2013. It would not be fair to move onto Priority Based Budgeting until that is in order. She thanked Ms. Caravella and Mr. Shimun for all of their effort. With regard to the Workshops, she advised that we are starting with the smaller departments because we can do a couple of them at a time.

Councilman Jacobs mentioned the Utilities Workshop scheduled for June 2013. He was concerned that it will conflict.

Mayor Bendekovic stated that it takes two months to advertise and that will be the water rate. It will not be a Workshop because we already had the Workshop.

Councilman Fadgen commented that this will provide the Administration and staff an objective way to compare and then propose. He appreciates what has been done. From a Board of Directors standpoint, like many corporations, they indicate how much revenue there is to spend. He believes our current millage rate is too high and he is not going to propose any lower millage rate for this coming fiscal year but he certainly is not going to vote to raise it. The only thing he takes exception to in the comments was the "local minority". If that was the local minority many of those people had never been to a budget meeting before; some have been to City Council meetings but not to a Budget Workshop. He does not think it was a local minority; he believes it was an indication of the spirit of the people of this City that we have a financial crisis that needs to be solved and he is determined to be part of the solution.

Mayor Bendekovic advised that 35 people were concerned about the budget; the rest of the people present were City employees. The Chambers were not filled with all negativity.

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Meeting adjourned at 11:20 p.m.

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Councilman Robert A. Levy, 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 _____, 2013.

Susan Slattery, City Clerk