

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

August 28, 2013

The special 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 Lunny, Jr.

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2. The invocation was offered by Councilman Zimmerman.

The Pledge of Allegiance followed.

3. Approval of Minutes of Meeting – May 8, 2013.

4. Approval of Minutes of Meeting – May 22, 2013.

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ITEMS SUBMITTED BY THE MAYOR

Resolution No. 11735

5. **RESOLUTION** of Appreciation to Joseph C. Gerwens, III for 20 years of dedicated service to the City of Plantation.

*Motion by Councilman Fadgen, seconded by Councilman Zimmerman, to approve Resolution No. 11735.
Motion carried on the following roll call vote:*

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

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Mayor Bendekovic presented Service Awards to the following Employees:

Sgt. Mark Wendt	Police	25 years
*Officer Keith Cahall	Police	15 years
*Joseph Trybalski	Fire/Rescue	15 years
*Off. Laurie Graber	Police	10 years
*Leroy Jones	Utilities	10 years
*Terri Sammarco	Building	10 years
*Shaun Sands	Fire/Rescue	10 years
*John Wathen	Parks & Recreation	10 years
Edgar Arriola	Finance	5 years
*Kyle Kittell	Utilities	5 years
Angel Ortiz	Parks & Recreation	5 years
*Stanley Williams	Parks & Recreation	5 years

*Unable to attend.

Congratulations were offered.

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Mayor Bendekovic introduced State Representative Katie Edwards.

Representative Edwards represents most of central and west Plantation including the neighborhoods of Eldorado, Jacaranda Lakes, Plantation Acres, Royal Palm Estates, Hawks Landing, Central Park, Lauderdale West and Fountain Spring. She has a meeting coming up at the Davie Town Hall on September 16, 2013 at 5:30 p.m.

Representative Edwards provided the following update:

- She is working with the Plantation Chamber of Commerce on hosting a Town Hall on health insurance on Tuesday, September 17, 2013 at 5:30 p.m. at Jacaranda Golf Club. This is more for what the local business owners need to know as they prepare for the full implementation of the Affordable Care Act.
- She was one of four House Democrats appointed by the House Speaker to the Ethics and Elections Committee. They were able to produce a number of Bipartisan Bills this past session that lend more discretion to our County Supervisors and return us to more early voting sites and shorter ballots.
- In terms of the budget and finances, the House passed a \$74 billion budget the final day of session.
- Transportation projects especially in the area of West Broward are important. There is \$180 million going for I-595 Road Improvement Projects and that will be from the area east of I-75 just west of I-595. There is \$2.1 million going to Broward County Transit to purchase buses for operation in and around I-595 in this area.
- She was honored to work with the Broward Sheriff's Office to help them get \$2 million in their budget for Child Protective Investigative Services.
- She serves as a member of the Agriculture and National Resources Appropriations Committee. The Beach Restoration Projects are very important. They were able to get \$37.5 million for those projects statewide and of that they got about \$5 million going back to Broward.
- Everglades Restoration and Water Quality are huge issues in Broward. The Governor made an announcement today for a commitment of \$90 million for restoring water quality flow south to the

Everglades and cleaning up the water flows that pass through Miccosukee lands and also down to Everglades National Park and Florida Bay. They are looking at raising the Tamiami Trail, which will create more construction jobs or engineering jobs and more funding going towards Comprehensive Everglades Restoration.

- A couple of her Bills went very far this year. She prepared the Insurance Omnibus Bill, which more of the technical issues for the insurance regulation; that was a 78-page Bill. That passed on a 102 to 17 vote but died returning messages in the Senate on the last day.
- Over the last couple of weeks they are looking at some serious reforms to the Criminal Justice System.
- Sunday's Sun Sentinel Editorial focused on some reforms that need to be made in terms of how we are dealing with the prescription drug epidemic and how we deal with college students that have now gotten addicted to Oxycontin. Currently if caught with those pills a person would look at three years in the State Jail and her Bill would raise those thresholds to make sure that the person who is a true prescription drug addict is taken to drug court rather than spending \$20,000 per year to incarcerate that individual in State Prison. This will come back next year.
- She appreciates the emails on the Cancer Treatment Fairness Act. This was passed this year. All cancer treatments will be paid for insurance wise the same way as your traditional IV treatment.
- The Purchase of Firearms for the Mentally Ill Bill passed.

Councilman Levy thanked Representative Edwards for her service to the community.

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Mayor Bendekovic made the following announcements:

- City Hall is closed on Labor Day.
- Entry forms for Art Search, a free visual art competition for students in grades K-12, will be available September 3 to October 11, 2013 at Plantation Central Park, the Community Centers and Plantation schools.
- Kid's Day Off is Thursday, September 5, 2013 between 7:30 a.m. and 6:00 p.m. at Plantation Central Park.
- The Youth Hot Shot Basketball Tournament will be on Friday, September 6, 2013 at 7:00 p.m. at Plantation Central Park Gym. Registration begins on August 26, 2013 at Plantation Central Park; limited to 25 participants per age group; \$10 per person non-refundable.
- The Plantation Junior Women's Club is getting ready for their 47th Art in the Park – "Home Is Where the Heart Is". Visit ArtintheParkfl.weebly.com or PJWCfl.org.
- The Broward County Property Appraiser's Community Outreach Event will be at the Broward County Government Center. There will be representatives on hand every Wednesday in September between 12:00 p.m. and 2:00 p.m.
- Broward County Property Appraiser's Notices – you will have time to file for 2013 Homestead Exemption and other exemptions. Contact the Broward County Property Appraiser to complete your application by September 18, 2013.
- The Senior Fair is scheduled for August 31, 2013 between 10:00 a.m. and 12:00 p.m. at the Sunrise Senior Center.
- The Plantation Farmer's Market is every Saturday between 8:00 a.m. and 2:00 p.m. at Volunteer Park.

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CONSENT AGENDA

As a Commissioner of the CRA, Mayor Bendekovic has a voting privilege on Item No. 18.

Item No's. 10, 11, 12, 13, and 17 were pulled from the Consent Agenda to be discussed separately.

Mr. Lunny read the Consent Agenda by title.

6. Request for Special Permission – Promotional Labor Day Event for Rick Case Hyundai (August 30 – September 2, 2013).
7. Request for authorization to extend the Pinnacle Data System utility print and mail service agreement for two years (with a one-year renewal option) until November 15, 2015. (Budgeted – Utilities)
8. Request for authorization to exercise/execute the second of two one-year renewal options with Pace Analytical Services, Inc., contract for laboratory testing services. (Budgeted – Utilities)
9. Request for approval for funds to purchase licensing for the datacenter servers.

Resolution No. 11736

14. **RESOLUTION** assessing a lien on 7781 Sunrise Boulevard for the cost to the City of its mowing and clearing.

Resolution No. 11737

15. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period August 8, 2013 through August 21, 2013 for the Plantation Gateway Development District.

Resolution No. 11738

16. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period August 8, 2013 through August 21, 2013 for the Plantation Midtown Development District.

Resolution No. 11739

18. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period August 8, 2013 through August 21, 2013 for the City of Plantation Community Redevelopment Agency.
- 18a. Request for the continued use of Dell Optiplex 790 small form factor standard PC's and monitors; Microsoft Licensing Windows 7 licensing four-hour response next day maintenance on all components as indicated in the memorandum to the Mayor and Members of the City Council from Robert Castro dated August 28, 2013.

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

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

NOTE: Mayor Bendekovic voted affirmatively on Items No. 18.

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Mr. Lunny read Item No. 10.

10. Request for approval to trade-in the 2010 Golf Carts and to purchase new 2014 Electric Golf Carts – Plantation Preserve Golf Course. (Budgeted – Parks & Recreation)

A Memorandum dated August 21, 2013, to Mayor Diane Veltri Bendekovic and City Council Members, from James S. Romano, Director of Parks and Recreation, follows:

SUBJECT: Electric Golf Carts
Plantation Preserve Golf Course (Budgeted)

Please note that the City received a quote from Club Car, Inc., to supply us with 75 new 2014 Club Car Precedent 12 Excel Model Electric Golf Carts to be used exclusively at the Plantation Preserve Golf Course and Club.

After trading in the 75 models of the 2010 Club Car Precedent golf carts that the golf course is currently using, the cost for the new golf carts will be \$197,250. Delivery of the new golf carts is scheduled for October 2013.

At this time the Parks and Recreation Department is recommending the trade-in of the 2010 golf carts and the purchase of the new 2014 golf carts from Club Car, Inc.

If you have any questions or concerns, please call me at 954-4522513 or ext. 513.

Note: Item No.'s 10 and 11 were heard in tandem.

Paul Scott, with Guidant Management, was present.

Councilmember Stoner mentioned the \$200,000 for golf carts and requested that Mr. Scott explain how the funds for this are from a revenue generating fund from the golf course.

Mr. Scott explained that the golf course is an Enterprise Fund and it is currently funding itself. The monies they are going to use to purchase the golf carts, after the trade-in of the existing fleet, is money that has already been deposited into the bank from previous years cash flows. That money will not be coming out of the General Fund or out of any fund other than from the Enterprise Fund itself.

Councilmember Stoner stated that the debt service recently went up but will be revised in a few months when the refinance goes through. She questioned how that will affect their budget.

Mr. Scott advised that the previous debt service program had them pay the same amount they have been paying for the last couple of years through 2014 or 2015 and then it was going to go up to about \$1.2 million. The Finance Department and Administration have negotiated a new refinancing of that entire bond including the portion that was for the golf course. They will be paying about an extra \$120,000 for the next couple of years

but that level is going to remain the same for the next 11 years rather than go up to \$1.2 million. He believes it will save about \$2 million.

Councilman Fadgen questioned how many years the golf carts will be in service.

Mr. Scott indicated that they typically keep them for three years. The fleet they currently have were kept for four years because the batteries were wearing out before they were ready to trade in. New batteries were purchased and he did not want to trade in the carts with new batteries so they kept them for an extra year.

Mr. Lunny read Item No. 11.

11. Request for approval to lease Visage Display GPS Equipment from GPSI Leasing, LL for Electric Golf Carts – Plantation Preserve Golf Course. (Budgeted – Parks & Recreation)

A Memorandum dated August 21, 2013, to Mayor Diane Veltri Bendekovic and City Council Members, from James S. Romano, Director of Parks and Recreation, follows:

SUBJECT: GPS Equipment for Electric Golf Carts
Plantation Preserve Golf Course (Budgeted)

Please note that the City received a quote from GPSI Leasing, LLC in Sarasota, Florida to lease to us 75 Visage Display Units (GPS) to be installed on the new 2014 Club Car Precedent 12 Excel Model Electric Golf Carts at the Plantation Preserve Golf Course and Club. Please see Exhibit A for a description of the Visage Display System.

The leasing cost of these GPS units will be \$3,525 per month. The City is planning to exercise our option for a 36-month lease term.

At this time the Parks and Recreation Department is recommending the lease of this Visage Display GPS equipment from GPSI Leasing, LLC.

If you have any questions or concerns, please call me at 954-452-2513 or ext. 513.

Motion by Councilmember Stoner, seconded by Councilman Fadgen, to approve Item No. 11. Motion carried on the following roll call vote:

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

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Mr. Lunny read Item No. 12.

12. Approval purchase of one 2014 Ford F350 Crew Cab vehicle from Plantation Ford in the amount of \$27,152.50. (Budgeted – Parks & Recreation)

A Memorandum dated August 20, 2013, to Mayor Bendekovic and Members of Council, from Andrew Bacchi, Purchasing Manager, follows:

SUBJECT: Parks and Recreation Vehicle

Please consider this memorandum as a request to purchase one 2014 Ford F350 Crew Cab vehicle from Plantation Ford, Plantation, Florida.

The Parks and Recreation Department has budgeted in the current fiscal year for the above vehicle. The cost of the F350 is \$27,152.50; the other competitor's costs which include the State of Florida and Sheriff's Office are respectively \$28,475.20 and \$28,490.

The F350 has a crew cab, Trailer Tow Package, V8 Gas Engine, as well as a Brake Controller (for safety) and Daytime Running Lights.

It is recommended that City Council approve the purchase of the 2014 F350 Crew Cab through Plantation Ford, at the cost of \$27,152.50.

If you have any questions, please contact me.

Phil Goodrich, Superintendent of Parks, was present.

In response to Councilmember Stoner, Mr. Goodrich stated that they are replacing a 1992 Ford F350 that has 108,000 City work miles. About a month ago the truck was put into service for the transmission and those repair costs would be over \$2,000. In addition, they have spent over \$4,000 in repairs over the last couple of years on a truck that is 20+ years old.

Councilmember Stoner questioned if there is any way to keep this truck for another year.

Mr. Goodrich advised that they would have to put \$2,000 into a 22-year-old vehicle.

Mayor Bendekovic commented that the mechanic is recommending that the vehicle not be repaired.

Councilmember Stoner questioned what happens to the extra vehicles every time they are replaced. She also questioned if we are holding onto extra cars that do not seem to move.

Mayor Bendekovic indicated that there is a pool car in case someone's car goes down. Every one of the vehicles is in a department or being used somehow within that department's capacity whether it is Building, Planning and Zoning, etc. The vehicles are assigned to different departments. As far as the Police cars go, she is sure there are some cars that can be used if something is in repair. She would not say that there is anything in excess that is not being utilized.

Councilmember Stoner questioned if we can get rid of any of the vehicles that are older and not needed.

Mayor Bendekovic stated that those are the vehicles that are auctioned.

Councilmember Stoner questioned whether the old truck would be auctioned. If so, she questioned about how much we could recoup from this truck.

Mr. Consaul advised that the truck, once it is replaced, would go on gov.deals to be sold. We would be lucky if we got \$800 because of the age of the truck.

Councilman Jacobs mentioned the brake controller and questioned whether it could be removed. It costs \$100 to \$150; something to consider.

Motion by Councilmember Stoner, seconded by Councilman Fadgen, to approve Item No. 12. Motion carried on the following roll call vote:

Ayes: Jacobs, Stoner, Zimmerman, Fadgen, Levy

Nays: None

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Mr. Lunny read Item No. 13.

Plantation Midtown Resolution No. 2013-1

13. **RESOLUTION** of Plantation Midtown, a local dependent Safe Neighborhood District of the City of Plantation, Florida, approving that certain draft agreement between Plantation Midtown and Landscape Service Professionals, Inc. for landscape maintenance services for NW 84th Avenue in Plantation, Florida; providing a savings clause; and providing an effective date therefor.

A Report and Recommendation dated August 28, 2013, to Mayor and Members of City Council, from Laurence Leeds, PZED Director, and Edward Consaul, Public Works Director, follows:

SUBJECT: Expand Contract for Maintenance of Landscape and Hardscape in the Plantation Midtown Development District to add Additional Services in the amount of \$33,340 per year and modify terms.

REQUEST: Approval of a resolution of the City of Plantation approving an agreement with Landscape Service Professionals, Inc. for landscape and hardscape maintenance in the Plantation Midtown Development District; authorizing the Mayor or Chief Administrative Officer to finalize the contract agreement and execute same.

HISTORY: The Plantation Midtown Development District was established by Ordinance 1569 in July of 1988. The District has the authority to levy ad valorem taxes to support planning and implementation of district improvements, such as landscape and hardscape.

The Midtown Development District Master Plan was approved by Council on December 18, 2002. Included in that plan was the creation of a two lane street on

NW 84th Avenue with sidewalks, landscaping, integrated traffic calming measures, street furniture and paver crosswalks. The cost to maintain the landscape and hardscape improvements are incurred by the Plantation Midtown Development District.

The City entered into a contract with Landscape Service Professionals, Inc. in 2008 for landscape and hardscape maintenance of a portion of Midtown described as Right-of-Way on American Expressway from Cleary Boulevard to Pine Island Road and roundabout at American Expressway and NW 82nd Avenue for a cost of \$38,010 per year (or \$11.51 per foot). That contract is due to expire on January 4, 2014.

The recent enhancements to NW 84th Avenue from SE 3rd Street to American Expressway require the expansion of the existing contract to include the attest improvements. Public Works recommends continuing to use the existing private contractor to provide the necessary maintenance. Landscape Service Professionals, Inc. has agreed to provide these additional services at a cost of \$33,480 per year or \$10.15 per foot.

The total contract amount per year is \$71,490. There is \$75,000 in the FY 2013/2014 Midtown budget for this service.

ANALYSIS:

Public Works has been pleased with the services that Landscape Service Professionals have provided since 2008 and has negotiated a good price for the additional linear feet on NW 84th Avenue until the end of the current contract in January of 2014.

Public Works plans to competitively bid the entire scope of work prior to the termination of the contract in January of 2014; however, the contract has been modified to allow an extension to coincide with the end of Midtown's fiscal year, and to reinstate the parties' rights to agree to two (2) additional one (1) year extensions if circumstances warrant, and if they choose to do so.

The Legal Department has updated the indemnity provision, added language that contractually requires the contractor's insurance to meet City requirements, and to add a provision about the Broward County OIG. Changes are "blue lined."

RECOMMENDATION:

Approve the Resolution and Agreement with Landscape Service Professionals, Inc. for landscape and hardscape services in the Plantation Midtown Development District.

This matter is now ready to be considered as a Consent Agenda Item.

Councilman Fadgen commented that this new contract is for five months and it is taking care of additional work along SW 84th Avenue. It is an 87% increase. Prior to the renovations on SW 84th Avenue it was a four-lane highway and now it is a two-lane highway with more landscaping. It is measured in linear feet rather than square feet and he is curious about the calculation. He mentioned a time when Gateway had contractors doing

the landscaping and eventually the City took it over to save money. He is hoping the same thing is not going to happen.

Mr. Consaul advised that this company has been with us since 2008 and they have not increased their price; we are only adding the new section that has recently been remodeled to the contract.

Councilman Fadgen noted that this will go out for bid in five months.

Mr. Lunny indicated that the City has the right to do that or extend it to the end of the fiscal year. We are trying to get all of our contracts on a fiscal year basis. The reason why the linear foot calculation was included is so you can see that it is pretty much the same or a little decreased cost per lineal foot.

Mr. Consaul stated that is due to the landscaping on the newer section compared to the older section; there is more shrubbery on the northern section and a lot more amenities.

Motion by Councilman Fadgen, seconded by Councilman Zimmerman, to approve Item No. 13. Motion carried on the following roll call vote:

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

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Mr. Lunny read Item No. 17.

Resolution No. 11740

17. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period August 8, 2013 through August 21, 2013.

Councilman Zimmerman advised that he might have a voting conflict on a wire transfer to Broward Alliance for Neighborhood Development on August 21, 2013; therefore, he will abstain from that one check.

Motion by Councilman Jacobs, seconded by Councilman Fadgen, to approve Resolution No. 11740. Motion carried on the following roll call vote:

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

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ADMINISTRATIVE ITEMS

Mr. Lunny read Item No. 19.

19. ADMINISTRATIVE APPOINTMENTS TO THE GENERAL EMPLOYEES' PENSION BOARD DUE TO EXPIRATION OF THEIR TERM.

A Memorandum dated August 23, 2013, to Mayor Bendekovic and City Council Members, from Susan Slattery, City Clerk, follows:

This item is a housekeeping item. The Council will need to appoint two members to the General Employees' Retirement Board due to the expiration of the current terms. The current members are Councilperson Stoner and Councilperson Zimmerman.

Mayor Bendekovic indicated that she was informed that the terms expired and this is a housekeeping chore. She recommended that the appointments to the General Employee's Retirement Board be Councilmember Stoner and Councilman Zimmerman.

Councilman Levy stated that at the Ethics training by the OIG brought up a question about Elected Officials sitting on Boards when they have the final decision making. This was a major discussion during that topic. He questioned whether Mr. Lunny could look into this based on the new Ethics laws and other things that have happened in the interim since the last opinion and make sure that what we are doing is not questionable and that we can sit on the Pension Boards even though the City makes the final decision regarding their stability and we contribute to them.

Mr. Lunny advised that his opinion has not changed. There is no conflict because the Pension Boards administer the Plans and the Council creates and amends the Plans. There is some disagreement in the Bar on this subject; there are some in the Pension Board industry that believe there is a conflict; however, he does not believe there is a conflict. If the Council members can decide that they no longer want to do it at any time.

In response to Councilman Levy, Mr. Lunny stated that he would put his opinion in writing.

Motion by Councilman Jacobs, seconded by Councilman Fadgen, to approve Item No. 19. Motion carried on the following roll call vote:

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

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Mr. Lunny read Item No. 20.

20. UPDATE ON HEALTH INSURANCE AND WAGES.

A Memorandum dated August 28, 2013, to Mayor Diane Veltri Bendekovic and Members of Council, from Margie Moale, Human Resources Director, follows:

RE: UPDATE ON HEALTH INSURANCE AND WAGES

Attached is an updated power point presentation on health insurance and wages which will be presented at the Council meeting. Information was requested by Council members regarding health insurance.

Back up data is also provided as follows:

- 2013 Broward County Insurance Benefits Survey
- 2011 PEPIE Benefits (showing premium percentages for dependents)
- City of Plantation 2012-13 Salary Ranges with PEPIE Comparisons

Additionally, the entire 85-page PEPIE wage survey results are available in my office for your perusal. In the interest of being green, hard copies were not included in your agenda package. An electronic version is also available.

Please contact me if you have any questions.

Mayor Bendekovic indicated that information was requested on the different health care plans. The Benefits Committee has seen what is going to be presented.

Ms. Moale presented the following information:

- Comparison of Medical Monthly Employee Contributions.
- Potential FOP Contributions.
- General Employees Contributions.
- Current Employee and Dependent Coverage Costs.

Councilman Jacobs commented that every City allows dependents to be in their health insurance plan; it is just a matter of the cost.

Councilman Levy mentioned offering it versus paying for it. He questioned whether that was clarified or whether any interpretation was received saying when we must offer it versus we must pay for it.

Ms. Moale advised that the guidelines still have cleared up on that. Previous guidelines that were coming out said that it has to be affordable for the dependent children and now new things are coming out that say it does not necessarily have to be affordable but we think it might be.

- New Hire Snapshot: August 1, 2012 – July 31, 2013 for Insurance.

Councilman Levy stated that the dollar saving would be if the employee were to leave and they had accumulated a certain number of hours. He questioned what we would have to rebate to that employee for the sick leave.

Ms. Moale advised that there are currently caps on the sick leave. If an employee resigns they would only get 50% of the hours above 240 paid out; they get nothing for the first 240 hours. All that is allowed is 480 hours.

It will take a new hire longer to get to those caps. The annual leave is the same thing; it is 240 hours and that is at 100% pay.

Councilmember Stoner mentioned the 104 hours or 13 days is based on an eight-hour day, but everyone only works a 7.5-hour day. When employees work from 8:00 a.m. to 4:30 p.m. and take an hour for lunch that is 7.5 hours.

Ms. Moale advised that two 15-minute breaks are included. Office workers typically take their 15-minute breaks with their lunch when the crews in the field typically take theirs periodically to get a break from the heat.

- 10-01-13 Recommendations – Other Benefits for New Hires.
- Annual Leave/Sick Leave.

In response to Councilman Levy, Ms. Moale indicated that she would have to pay for programming changes every time changes are made that amount to accruals because they are kept in ADP and are pulled over into Great Plains for payroll.

Councilman Levy stated that we have an IT Department who could review this.

Councilmember Stoner commented that there is a monthly charge to ADP to perform their service; she questioned the yearly charge.

Mr. Castro advised that we pay for their services; we lease their machines and the charges are based on leasing them. As far as the programming changes, this is a very complex system and there is developer's code that has to be rewritten, recompiled and tested before it is brought onto the production system. It is co-changes and they have to recompile programs in order for all of the applications to talk to one another.

In response to Councilman Levy, Mr. Castro indicated that we stopped using notepads and paper and went to systems that are integrated. He believes that the \$60,000 fee covers the consultant's hours. Typically across the board for any consultant working in software and \$175 to \$250 per hour is the going rate. This rate is a discount of \$155 per hour, which was negotiated.

Councilmember Stoner questioned whether other issues are triggering the money or if leave is the only issue.

Ms. Moale advised that programming changes that require code and programmers to recode everything are the issue. Insurance rates can be changed and voluntary plans can be added; those are codes for payroll deductions. She mentioned that ADP is in the footnotes.

Councilman Jacobs stated that ADP is \$92,000 and Tribridge is \$12,906.

Ms. Moale commented that is what is budgeted just in case payroll has an issue.

In response to Councilmember Stoner, Ms. Moale stated that last year she spent about \$9,000 to \$10,000 on Tribridge; there were no changes on ADP. She advised that the fee for ADP of \$90,000 or \$92,000 was spent last year; they did not raise the fee for ADP. That is the timekeeping system. With regard to Tribridge, she budgets a small amount in case there are payroll changes.

Councilman Jacobs questioned if it makes sense to spend 50% on top of the \$92,000 that is paid per year on ADP. He questioned if that is standard in that business.

Mr. Castro stated that the \$60,000 is changes on both sides; the ADP for the output file and GP through Tribridge.

Councilman Jacobs noted that Tribridge is getting paid \$13,000 per year and he questioned if it makes sense to give them another \$30,000 for another change.

Councilmember Stoner indicated that a dollar comparison has not been provided of the savings for the modification to the leave benefit versus someone that has these other benefits. In the last three years 93 new people have been hired. If new hires were under revised benefits, feasibly the \$40,000 would have paid for itself several times over.

Ms. Moale stated they are paid whether they are here or not; whether they are using an accrual of annual leave or sick leave. She noted that those are not funded amounts; it is because of GASB requirements.

Councilmember Stoner commented that it is a liability because the City is on the hook for those benefits and dollars. She questioned the difference in dollars per person if it is changed. Eventually it transfers into that liability that we carry. We do not want to continue to carry and increase that line item every year because it does increase. She also questioned if there is a real number about the \$40,000 to \$60,000.

Ms. Moale advised that is an estimate.

Mr. Castro stated that without going through an extensive analysis of exactly what they would have to do, which would also be a charge, we told them what changes we expected and questioned a ballpark figure.

In response to Councilmember Stoner, Mr. Castro indicated that he did not know when the contract with ADP is up.

Ms. Moale indicated that is a renewal unless we give them notice to cancel.

Councilmember Stoner suggested we shop.

Mr. Castro advised that regardless of who is doing this for us, we will have the same issues because this is the nature of the beast. When a code has to be changed it takes developers to do that and it has to be tested before it can be put into production especially when it concerns salaries. Hours are involved.

Councilman Jacobs commented that technology changes over time and there may be other services available.

Ms. Moale stated that she and Yvonne Vigo have met with different vendors like ADP timekeeping systems and they have not been able to find anyone that can do what ADP can do in the sense that we must have 12 to 15 different types of accruals. They could write the programming and the codes to maintain the accruals because the Tribridge Great Plains can only afford two buckets for accruals; two buckets will not carry us.

Councilmember Stoner indicated that they would have to write a specific RFP and put it on the street. She questioned if there is a consensus for a formal RFP on this.

Councilman Levy agreed.

Councilman Fadgen believes that we will end up with a piece of software that will not be off the shelf that will satisfy all of our needs. Every organization is unique. In our case we need to limit the amount of hours for sick leave, etc. He has no problem with getting an RFP. Knowing what our demands are going to be, we may end up getting a savings.

Councilman Jacobs stated that doing an RFP costs money.

Councilman Zimmerman was all right with an RFP.

Councilman Levy suggested going for an RFP so Council can feel comfortable in making decisions.

- 2013 Public Employers Personnel Information Exchange (PEPIE) Data.
- 2013 PEPIE Salary Comparison.
- 2013 PEPIE Salary Comparison – Management.
- 2013 PEPIE Salary Comparison.
- Maintenance Worker 1 – New Hire Starting Pay of \$23,548.30.
- Paramedic – 3 years of Service Pay of \$47,577.30.
- Out of Pocket Dollars – General Employees.
- Police Officer (New Hire) – Bi-Weekly Base Pay Only.

Councilmember Stoner questioned how the base pay got increased from October 2011 to January 2012.

Ms. Moale stated that it could have been their hire date; they get increases once a year.

In response to Councilmember Stoner, Ms. Moale advised that Council does not decide the pay ranges for police officers; the CBA decides. Whatever is negotiated and agreed is what is followed.

Councilmember Stoner questioned why it would differ in the middle of a contract.

Ms. Moale reiterated that it could have been their hire date.

Councilmember Stoner questioned if the base pay stays the same for the term of the contract.

Ms. Moale indicated that they get step increases across the board.

Mayor Bendekovic commented that as they move up in years they move up in steps and those are increases.

Councilmember Stoner thinks of new hire as in the door on day one; therefore, everyone coming in on day one starts at the same.

Mayor Bendekovic stated that as they progress their salary has gone up. This is a progression of a new hire that was hired in 2011.

- Sergeant – Bi-Weekly Base Pay Only.
- Paycheck Dollars – FOP.

- Mayor Bendekovic advised that her recommendation is to leave everything as is except for the 8% in the dependent care.

Councilman Levy stated that currently we spend approximately \$18 million on healthcare a year and \$5 million is dependent coverage.

Mayor Bendekovic indicated that it is all included.

Councilmember Stoner questioned whether the premiums for new hires were changed.

Ms. Moale advised that all employees and Council pay the same premium right now; the only exception is retirees and COBRA; they pay 100%.

Councilmember Stoner commented that should be changed for new hires.

Mayor Bendekovic indicated that she is not recommending that. She explained that if you go too far off the range on new hires there will be a training ground. People will come here but they will not stay; they will shop while employed and then they will leave. That is already happening; employees are offered a higher salary. With our low wages it sort of balances out. She stated that if you raise salary that is pensionable whereas benefits are not.

Councilman Levy commented that at some point we are going to have to reduce benefits for new hires; not that it will give us much of a break now but it will in the future. He is not ready to come up with a plan at this meeting for new hires other than his original thought of not paying dependents for new hires at all.

Mayor Bendekovic is requesting Council to stay with her recommendation.

Councilmember Stoner noted that every day that goes by we lose an opportunity to show that we mean what we say; that we have to make some hard changes and decisions. In tradition the City has had an extremely low attrition rate in turnover.

Mayor Bendekovic stated that two types of recommendations were provided; the single employee that we pay 100% for; a 4% and an 8%. Different options were provided so you could see the expenses; however, she is not recommending them.

Councilman Levy's opinion is that we pay 100% of the employee; he believes we have an obligation to our employees to cover them. His question is whether we have an obligation to cover their dependents and spouses.

Councilmember Stoner commented that we can offer but not pay.

Councilman Zimmerman agreed that we need to pay for all of the employees. We are one of the few cities that are still paying almost all of the dependent and spousal coverage. He is not so sure that he got the information he was really looking for. A 2% increase is recommended just to spouses and dependents and he does not know what that equates to as far as dollars that we are going to save in the budget. He does not agree that all spouses and dependents should be paid solely by the employee and not covered by the City but there is no way we can afford to do this and pay. Almost 50% of what we pay is going towards spouses and dependents. He thinks there should be some other options; he would like to at least see 10% and 20%.

Ms. Moale believed the amount saved is \$93,000.

Mayor Bendekovic suggested that Councilman Zimmerman give her the percentages and they will be sent via email.

Ms. Moale stated that other cities may pay less for dependent care but they also pay better wages. She noted that for 358 employees it would take \$2.518 million to bring them to the average. When this presentation was done previously it was \$1.9 million to bring them up so we have lost \$600,000 in the market place as far as average actual at this point.

Councilman Zimmerman was not sure that he agreed.

Councilmember Stoner commented that hard decisions have not been made over the last few years. We are trying to make some hard decisions with the least amount of impact on existing employees while trying to be sensitive to everybody's needs. She feels like they continually get pushed back when they try to make those decisions.

Mayor Bendekovic advised that when this Administration came in she was not stagnating. She had to make some tough decisions and those decisions were made with baby steps because she knew what the salaries were in the City and that to increase plus with the furlough days was a double. She believes that more movement has been seen with this Administration and she has tried to do it equitably across the board for everyone.

Councilmember Stoner believes that we need to make some hard decisions for new hires and that is how she has continually presented. We value the employees; there is no doubt about it.

Mayor Bendekovic questioned whether there is a consensus that no decisions will be made this evening.

Councilman Levy stated that thoughts were provided so she could come back.

Mayor Bendekovic indicated that she will come back with the 10% and 20% for dependents and spouses.

Joel Gordon, Chair of the Benefits Committee, was present. From the General Employees' standpoint, they have, over the past several years, endured a tremendous amount of cuts; our earning potentials have dropped tremendously to where we have slipped below the means scale. In the past they have shown support for the job you do for Council; they have shown good faith; and in some cases, they have shown that they are willing to do what needs to be done to help this City move forward. When decisions are made, which are going to impact everyone, understand where they are in the big scheme of things. Employees have come to a point where it is hard to give anymore. Some of our employees earn below the poverty line and they have to feed their families and put roofs over their heads. The more we continue to cut and cut without looking at an alternative means of closing that budget cap the more it is going to impact the quality of the employees that we currently have and that we bring in the future. In spite of everything that has happened, employees greet you everyday with a smile or with a "What can we do for you" attitude. They get the job done and make you happy that you were here.

Mike Hanlon, employee and resident, was present. He has the same concerns as Mr. Gordon and Mayor Bendekovic. He agreed that the City could turn into a training ground because other employers are offering more. With regard to the PEPIC study, we have compared salary benefits for Police Officers only for 30 years with the same cities around us. He questioned if this is where the Strategic Planning and Priority Based Budget

has taken us. The best you can do is increase employee healthcare costs. He thought Strategic Planning was going to be a process where it would seek employee input about things we could do to save money. None of the items he listed were acted on. During his input session he went over regional dispatch. We could have saved \$2.5 million and we opted out.

Councilman Jacobs commented that we did not permanently walk away; we said, "Let's wait and see as it develops".

Mayor Bendekovic stated that if he would like to discuss this she would be more than happy to meet with him. There is a lot more to it than just \$2.5 million; it would probably cost you the Volunteer Fire Department.

Mr. Hanlon mentioned that another thing that caught his attention was contracting out school resource officers. Instead of using full service, full time, top salary police officers they contract out to retired officers. They are still armed, still police officers and still in marked units. Because you are not paying them year round and retirement benefits the savings are substantial. We walked away from this.

Councilman Jacobs commented that it sounds like a good idea.

Mayor Bendekovic advised that the officers that left here retired so they are not only collecting their own retirement, they can go to another City and get their resource officer at lower pay. We would be more than happy to recruit and she has already looked into this.

Mr. Hanlon referenced ACLEA, a never ending Administrative review process to ensure the agency is certified. It is not a government affiliation, it is not required by any State entity and many local Police Departments have dropped it because at the initial process it is not worth the time and money. We have a full time civilian employee, several Police Officers, hundreds of hours for training and other department entities, and while they are doing this they are unable to do any productive work. The consequences of dropping this program seem to be that we would take the stickers off of the sides of the car. The budget workshop mentioned a price of \$700,000. With three ideas you are talking over \$3 million. He referenced a Sun Sentinel article regarding the City of Sunrise closing a \$13 million budget hole without furloughs, pay cuts and layoffs.

Mayor Bendekovic commented that she would love to have their millage rate because it would certainly bring in quite a bit more revenue; they also have a fire fee which we do not have.

Mr. Hanlon stated that the alternative is going to the employees.

Councilman Levy indicated that the tax rate was kept the same as last year and there is no fire fee. He would like him to discuss some of his points with the Mayor. He believes that citizens deserve to know that their Police Department is certified and does meet certain standards over and above what is acceptable. No decisions have been made; things are being discussed. At the very most we are talking about future employees, not present employees. Something has to be done; we cannot continue. The citizens of Plantation are not going to stand for a continued increase in taxes and everyone is going to have to sacrifice in some way or another.

Mayor Bendekovic advised that she would like to meet with Mr. Hanlon because we have made improvement with ACLEA and we know there is an importance of having ACLEA to a certain point because of the International certification and it also helps us with our PSAP and our dispatch. We used to have certified officers and we do not anymore; we have a clerical person plus the officer in there is on desk leave.

Chief Harrison stated that the communications center is a very complex proposal. It will be interesting to see what is going on with some of the agencies that have gone to the regional site. When it comes to the accreditation process; officers that were working strictly on the accreditation process were put back on the road. There is a civilian employee doing the work of both of those officers and because of the loss of personnel we have had through the year they are trying to put as many officers in non-essential duties back to what they are supposed to be doing. He and Officer Hanlon have a difference in the value of the accreditation program. Any officers working to get us up to speed on that are light duty positions. He has found a useful position for them rather than them using up all of their sick leave time. They had a mock re-accreditation process on Tuesday and Wednesday and it went better than planned. They were told that they should have a stellar on-site accreditation process. The program is a benefit not only to the City but for the officers that have been put up there.

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Mr. Lunny read Item No. 21.

21. DISCUSSION CONCERNING PUBLIC SERVICE UTILITY TAX FOR WATER SALES.

A Memorandum dated August 20, 2013, to City Council, from Gary Shimun, Chief Administrative Officer, follows:

Administration continues to bring forward ideas and methods to stabilize the City's budget and place us in a more sound fiscal posture. The proposed 2013-14 budget considered using one-time revenue to pay for ongoing expenses. Council rejected that stop gap approach, recognizing that the use of one time revenue is not a viable long term solution for funding ongoing expenses. However, Council did not choose an alternative method for balancing the budget on a long term basis. This left the door open to reconsider other available and appropriate revenue sources. This memorandum outlines Section 166.231, Florida Statutes. This is the same statute that allows us to assess a service tax on electricity, natural gas, and propane, as we currently do. The only utility outlined within Section 166.231 that we do not assess a service tax on is water service. As with the other utilities, a tax of up to 10 percent may be assessed.

As Administration has outlined in past budget presentations, Plantation's overall tax burden is in the bottom third of all communities in Broward County. We have maintained both a relatively low property tax, and we have not levied other assessments that most other communities in Broward County and around the State have. This operational business model has placed Plantation in the financial situation that it now finds itself. Long term fiscal solvency begins with matching our revenue sources to those of other communities. Otherwise, we will be constantly fighting to balance a budget, while falling further and further behind.

Administration will present a short presentation outlining this revenue enhancement model as a partial option for closing our perennial deficit.

Mr. Shimun advised that State Law allows us to assess a utility tax for water. We already do it under the same statute for electricity and natural gas within the City. The list in the backup shows the cities that do assess it and the percentage that they assess. He made the following comments:

- It is authorized by Section 166.231 of Florida Statutes. We sell about \$13 million worth of water a year so if you took the entire assessed amount that you could do, which is 10%, for a total of \$1.3 million. Each percent is \$130,000. It left some room for less than 10%.

- Three communities did not respond and a few of cities that do not assess do not assess it for a particular reason. Southwest Ranches does not do it because most of their citizens are on well and septic; the majority of the western half of the Town of Davie is serviced by Sunrise Water, which already has a 25% surcharge. Two-thirds of the rest of the cities do assess at the full 10%; one is at 6%; one is at 5%; and the rest are at 10%.

In response to Councilman Levy, Mayor Bendekovic indicated that this can be done immediately. She believes we generate \$6.3 million from electricity and natural gas. This is equitable across the board because there is close to 1,500 residents that do not pay any ad valorem tax and another 4,000 or 5,000 only pay taxes that are \$20 and below.

Mr. Shimun stated that each 1% is \$130,000 so 10% would be \$1.3 million. This is specific by the law to go to the General Fund as administrative overhead.

Mayor Bendekovic commented that we need to build up our reserves and capital. She would prefer to put it back into capital because we have a very small amount of capital this year.

Councilman Levy noted that this would also go toward reducing the projected shortfall. He received calls from residents who thought this was a duplication of the stormwater fees.

Mr. Shimun explained that the stormwater fee is specifically set up for a new utility that we have been using road money and General Fund money to fund. When a new stormwater utility was set up that is the sole source of revenue for it. That is basically a non ad valorem tax that you will see on your annual tax bill. In this case, the State Statute indicates that this is a specific law that allows the City to assess a tax on the sale of utilities, which are electricity, natural gas and in this case, water. Electricity and natural gas are already assessed. This goes strictly to the General Fund and is considered revenue for the General Fund, which most cities in the County and the State do assess.

Councilmember Stoner questioned what part of the water bill the 10% will go on.

Mr. Shimun stated that it will be separate charge on the water bill. This is only on the water portion.

Mayor Bendekovic indicated that she needs a consensus whether Council is even considering this or not.

Councilman Levy commented that this is another tough decision that we should consider.

Councilman Jacobs believes that in general Council would prefer we find funds on the expense side instead of increasing the income side as much as possible. He will go along with Councilman Levy and say don't rule it out now.

Mr. Shimun advised that most cities have been charging it for year and most cities charge a fire fee, which we do not. If we would have charged normally like the other cities we would not be here.

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Mr. Lunny read Item No. 22.

22. CITY OF PLANTATION MIDTOWN DISTRICT CONCEPTUAL PLAN (2002-2025).

Mayor Bendekovic advised that Councilman Zimmerman wanted this to be brought to a discussion.

Mr. Leeds presented an update of the Midtown Plan that was originally adopted by the City Council in 2002. It had a 23-year life span. This summary will describe the original Midtown Plan as it was adopted based on three components; design, land use and pedestrian interconnectivity. He provided the following information:

- In 2002 we had a slightly different business climate than today. In November 2002 the Federal Fund rate was 1.25%, which seems high but was actually a substantial reduction from the previous year when it was 6%. Also in 2002 there was a great deal of development in Plantation and we were on the cusp of what a lot of people thought was a huge real estate boom that later turned out to be a bust.
- The Plan was prepared because the existing retail space is becoming obsolete and challenged by more regional centers competing for the same market.
- Midtown was extremely successful in 2002; however, Council wanted to redefine it so that successful competitive edge continued for another 40 years. Planning is based upon a long term life span.
- There is discussion concerning the transportation system; pedestrian interconnectivity; economic development; and mixed use development.

Priscilla Richards summarized the Plan as it was adopted in 2002 as follows:

- Midtown is from the north; Cleary Boulevard, to the south is I-595; to the east is University Drive; and to the west is Pine Island Road. It is approximately two miles long and about 850 acres.
- The Midtown Plan that was approved in 2002 was actually started many months prior. There was a Technical Advisory Committee, which was staff and consultants, and there was an Advisory Board made under local business people.
- In December 2002 the prototype site plan was published and it was a 23-year plan. We are about half way there.
- In February 2004 the Veranda project was approved prior to the SPI-3 zoning, which came into effect in May 2004. After the SPI-3 was approved the Fountains and One Plantation Place came in for approval.
- The prototype design was based on vertical mixed use, meaning apartments built above retail. What was discouraged was having a large high rise building next to a low rise retail establishment. It was phased development that was identified with significant townhouse development. There were 20 to 40 units per acre and low rise from two to four stories.
- 279 acres were identified and over 3,000 residential units were supposed to be located around the mall area. 1.8 million square feet of new office was to be in the Peters Road area.
- Initially short term construction was identified, which was basically infill development on existing parcels and parking lots such as Midtown 24. Long term development was also identified, which required many sites, large scale demolition and redevelopment.
- The Midtown District was made into five villages; the north being the Veranda and American Express area; the south being the area of the Fashion Mall and Westside Regional Hospital; and in the center is Westfield Broward Mall and SW 84th Avenue. That is where 35% of the residential units were expected to be constructed. The eastern most portion is at the Fountains and the former Office Max plaza and the most southern part is Peters Road where 61% of office was expected to be developed.

- The reason for a neighborhood plan was so they could set the redevelopment theme including design, layout, mobility elements, and to identify the number of units that they would expect to be constructed in those areas.
- Pedestrian interconnectivity was also very important. One of the major suggestions in the report was to have an internal transit circulator, which was the trolley. The trolley was in existence around 2007 to 2008.
- The plan also called for existing road network into more of a grid like pattern, which would create shorter distances between crossroads and would also have wide sidewalks separated from streets by parallel parking and greenways.
- Some of the realignment would be SW 82nd Avenue and if that were done it would go to where Target is located; the roads would be straighter and not as curved as they are. Federated Road is a private road. To extend SW 5th Street west would go to an existing townhouse development.

Mr. Leeds continued with the implementation as of 2013 as follows:

- The vision was a newer urban concept that indicated that we would have a significant substantial mixed use, ground floor retail and significant townhouse development throughout Midtown in five neighborhood villages or sub-districts.
- Plantation Place is on University Drive and I-595.
- One thing in the Plan was recommended density or unit counts for each of the sub-districts. These are not intended to be entitlements; each Plan has to go through the City Council process and the Council determines whether the Plan is appropriate.
- What was found during the process was that the north neighborhood, which is Veranda and American Express, was on track in terms of Midtown recommendations by 2010 and the completed units do not exceed that number; it is coming close.
- 609 units were recommended with The Fountains and if the Camden is approved it may not be 286 units, it may be smaller. Regardless of what is approved, we are generally on track.
- The other neighborhoods are different in terms of the Peters Road area. If the current Crossroads project is approved they will exceed the recommended allocation. That is because Peters Road was indicated primarily for infill office development along that corridor between Peters Road and I-595.
- The Fashion Mall and the hospital area are over the Plan because of the proposed 590 units at 321 North.
- The Westfield Broward Mall area is a central neighborhood and most of the units were proposed there, nearly 1,200, but of course there has been no construction or proposals.
- With regard to the development criteria compared with what was approved in 2002 and what we have today, the basic design component was vertical mixed use and what we have is no mixed use; we have freestanding apartment buildings that are located on shopping center sites or next to shopping center sites that physically separate it from the retail and office components. We have a totally different design concept that has evolved in the first 11 years of the Plan.
- The other issue is density. 25 to 40 units were recommended with the Midtown Plan and the average density is at least double that. Those increases were granted by waivers by the City.
- The building height is different; it was two to four stories and now we have existing 12 stories and some new ones that are six stories.
- The main reason for the increase in building height is because the SPI-3 zoning, which implements the Midtown Plan, allows for 12-story, 150-foot buildings.
- Projects that are closest to the Midtown concept are Midtown 24, the lower rise Veranda project; Phase I is completed and Phase II is nearly completed.

- The difference what was proposed by the zoning code and what was built. In terms of design, the previously mentioned projects exceeded the baseline criteria. In terms of density, most of the projects have been approved at double the suggested density in the SPI-3. With regard to building setbacks, two out of five projects complied. Building setbacks are based on the adjacent road or major road. Building setbacks are a requirement of SPI-3 and only building has provided that.
- The second part of the plan discussed was pedestrian mobility. One component is the transit circulator, which was designed for longer trips within the Midtown area. The Midtown area is nearly two miles long and the typical distance that people walk in an urban setting is about a quarter mile. If you are traveling a mile, which is easily a distance in Midtown you would be more likely to use alternative transportation if there is a shuttle vehicle. The City had a trolley that was discontinued. It was not financially sustainable because there was no demand for the trolley. These types of transit circuit systems are really not designed for a density intensity of what is seen in Midtown. They are designed for something much larger.
- The bridge street realignment, which is more of a long ridge concept; however, as we get into the short phase a lot of it becomes problematic in terms of cost. A lot of it requires acquisition of land for right-of-way. It is currently occupied by either buildings or private property. Currently it is not financially feasible due to the acquisition costs.
- Looking north across the street from the former Office Max shopping center you will see the Fountains. Currently there is no pedestrian activity and there is no crosswalk shown. The reason there is no crosswalk is because once you cut across the street into the Fountains there is no crosswalk leading adjacent to the driveway to the actual stores.
- About 500 to 600 feet down the road; SW 10th Street and SW 88th Terrace; this is considered a positive intersection and something we need to look at in other locations. When standing at the Contour Day Spa looking south there is no crosswalk. The reason there is no crosswalk is because there is nothing to connect to at the mall. This property is private property and is owned by Westfield Mall and the anchors as it winds around the entire property. Whether or not this is an issue in the next ten years depends on how this mall evolves in changes. Down the road we need to think about whether or not we want to investigate this kind of connectivity that does not exist today.
- Looking from the northerly most portion of Veranda I the Dunkin Donuts is to the left and the other strain of Veranda I is to the right. When the fence was removed the walkway extends all the way from Veranda I and the Publix Center to the Lakeside Office Building. There is connectivity between an office building, an apartment complex and a shopping center, all without having to go out on the main street. This is the kind of thing we want to encourage when sites redevelop.
- It is important to create the opportunity to bring people into Midtown to make it accessible to pedestrians. The former Fashion Mall is the greatest opportunity we have for creating a facility that is truly pedestrian supportive and has access for pedestrians from the east, across University Drive and the west. There is already a traffic signal at this location. There is a crosswalk to the other side of Pine Island Road and American Expressway; this crosswalk is used all the time, which is something we want to encourage.
- When standing in front of Canterbury Subdivision looking west there is the former Macys. There is a crosswalk that extends all the way from Canterbury West down to the site of the former Fashion Mall. This creates an opportunity if there is a really good development that attracts people.
- The northwest end of the Fashion Mall property has a sidewalk at SW 82nd Avenue that goes behind the parking structure. Currently there is no way to get from American Expressway into the Fashion Mall but this is a great opportunity. When the Fashion Mall redevelops there can be a connection that extends all the way from Pine Island Road past Veranda, through the reconstructed mall, and across the street to

Canterbury. This will only work when this project is developed if it has the elements that will attract people at night, during the day and it is close enough to walk.

- The greenway trail is next to the County library and it continues all the way down to Pine Island Park with the exception of a gap in the sidewalk. You can take the sidewalk around the Enclave property, past Contour Day Spa into Midtown 24, and if you are willing to walk long enough, into the Office Max Plaza.
- Standing directly next to a railing for the retention pond for the office building and looking down the street there are three-story and four-story buildings; low rise residential. There are pedestrian walkways but there is also parallel parking. There is a very narrow street that slows down the flow of vehicular traffic and makes it comfortable for people who ride bikes to go down the street. To a very large extent this is the 2001 Midtown concept actualized.

Councilman Zimmerman requested this and was looking for more of an informal discussion where we could talk about some ideas and thoughts. This forum does not do that and he thinks we might need to look at that. We are in the middle of getting a lot of development into Midtown. It talks about what we are missing the pedestrian connectivity on the site; we are really missing that element. Currently we have three developments in the heart of Midtown and we do not know how they are going to connect; we do not know how the pedestrians are going to walk or where a crosswalk might go in; some things that help us move the development in a long range plan that is going to work. We have so much new construction and to take that plan and be able to implement it would mean removing a whole lot of buildings and financially that is not feasible. We have not taken an opportunity to update the plan; maybe not the whole plan, but definitely the area between University Drive and Peters Road to Broward Boulevard and Pine Island Road. There is a lack of some open community space that we are not developing; some of that is part of funding and other issues, but to bring entertainment and activity to downtown to help generate more business and more development. We have a Farmer's Market at Volunteer Park that is really nice but what if it were somewhere in Midtown; it may be more successful. We have an open area where the movie theater used to be. There is a movie theater going in and there is no way to get from The Fountains to the movie theater. He thinks there needs to be more dialogue on how we are going to have this pedestrian connection.

Councilman Levy questioned whether Councilman Zimmerman has met with the Midtown Advisory Board and given them any thoughts. He believes that would be the forum first and then Council could meet with the Advisory Board members and go over the plan.

Councilman Zimmerman stated that he has not personally met with the Midtown Advisory Board; however, he thinks bringing them to the table along with the Planning and Zoning Board members into some sort of open meeting, even with some developers, and we can have an informal discussion where some of those ideas can be discussed. He would like to encourage a half a day meeting somewhere in Midtown where this can be discussed; like a visioning session.

Mayor Bendekovic advised that there can be a visioning session but it cannot be in Midtown. It would be better to have it in our facilities; perhaps at Deicke. The reason is because it has to be Sunshined because Council will be in attendance. Minutes have to be taken so staff also has to be there recording. As far as taking it to Midtown, she thinks that Midtown should be part of the conversation but she thinks that someone should do a study of the entire area to do the connectivity. We have very talented people working for us but she does not think they are equipped to do such a comprehensive connectivity study. She thinks we need someone more than the Planning and Zoning Board and Midtown Advisory Board.

Councilman Zimmerman feels that as a starting element that we could at least have that happening even if we concentrate on where some of the development is going in right now. We are being asked to approve site plans and development and we do not have a vision of where we are going in this area. He has been pushing this for the last two months and now we are seeing site plans coming before us. We do not want to delay the developers but we are losing an opportunity to work with them.

Councilman Fadgen agreed with Councilman Zimmerman. When we had charrettes approximately 11 years the area starting developing rather nicely. He believes we should have a charrette and perhaps have a study done to help digest the various things we need to hear. There was a lot of participation from the developer community 11 years ago along with public officials and residents, all saying what they wanted Midtown to be. Now that we have accomplished some of it maybe some of what was planned is not what we want to continue with. He is glad that Councilman Zimmerman suggested this to see what things are not so good.

Councilman Jacobs is pleased to see how Midtown has come so far. He would only be comfortable focusing on multi mobile transportation and connectivity as far as pedestrians go. He does not think we should spread out; he thinks the rest of the plan is all right the way it is. There is a proposal to put streetcars on University Drive going north and south; the kind of streetcar that requires rails. It is not a light rail; it is smaller but it is still on rails. There is a plan for a mobility hub in the City of Plantation; however, the plan does not have the mobility hubs set, they are changing them around. These are major mobility hubs; a major multi mobile transportation center. This is coming from the Metropolitan Planning Organization. He thinks that is probably more important than anything.

Councilmember Stoner commented that as far as the transportation, she thinks that we need to provide the ability for people to go between the different locations. We initially talked about the Tram and last year when we had the Tram discussion we were supposed to be amending our route to include The Fountains and that is gone. She thought about cohesiveness as to the appearance and the architectural elements of the different areas. Someone pointed out to her that the different owners do in fact like the liberty of having their buildings a little different so they are not perceived as cookie cutter or all one because the businesses are actually competing and do not want to look alike. Veranda looks great but she does not see that in the rest of the areas. She does not know if it is the difference between a low rise and a high rise or if there is something completely different that is not clicking. She questioned whether some recommendations for architectural guidelines going forward. Eventually people will have to redo and do we want to be ahead of that?

Councilman Jacobs stated that when Phase II comes in it may be a lot nicer.

Councilman Levy believes that we have a wonderful resource.

Councilman Zimmerman indicated that we need to be careful because too many architectural design guidelines can hinder creativity.

Councilmember Stoner advised that the individuality is important but questioned what can be used that does bring it all together without taking away from the individual.

Mayor Bendekovic stated that as far as transportation and mobility, we had the trolley and it was under-utilized and she believes it was premature. The trolleys have been leased out for \$90,000. The trolley would have gotten the mobility through the Midtown section.

In response to Mayor Bendekovic, Mr. Consaul advised that there are six trolleys.

Councilman Jacobs commented that maybe we need a plan for when it would be the right time to bring in the trolleys. If we could have a document that articulates the circumstances clearly.

Mayor Bendekovic stated that is what we would need. She asked Councilman Zimmerman if he has anyone who would volunteer to do a charrette of that type. We have talented people but she is not certain whether they have the expertise on the connectivity and design that is there. She needs to see what the price would be on this. She suggested doing something like we did with the Plantation Community Center; do a charrette in the evening. We have a very good turnout for that.

Councilman Zimmerman advised that was not done by an outside firm coming in. Mr. Leeds may have someone. He could probably reach out to Mr. Laystrom and to other developers in the area that are interested.

Mr. Leeds indicated that one option is the Florida Atlantic University; they have a school of Planning and Architecture. The other is Nova University, which has the Wayne Hyzuenga School of Business and they have a major in real estate development. People who major in real estate development talk about everything we are talking about. He can follow up on these options but he does not know about availability. If we go this direction he would only want people who are trained and have experience in real estate development.

Councilman Zimmerman believes that an evening meeting to start the dialogue would not hurt to see where it goes. We should have this fairly soon because we have areas and we have to watch that we don't make this charrette so involved to take over the whole Midtown Plan. Looking at it from the Westfield Mall down to the Peters Road area may be a limiting factor and the roadways are what they are; we are not going to change them in the next ten years. The question is what we are doing to get pedestrians and walkways through the site. If we limit what we are looking for that it will not get beyond the scope that we can manage and it could be successful.

Mayor Bendekovic is willing to do whatever but to do it overnight is not possible when we are trying to get the budget and other major things. Those sites are going to come in spite of the connectivity but they can be addressed as we go. There was a grant for SW 84th Avenue; it takes money to do the connectivity so we will have to start looking for funds to fund it because the City does not have it. The other option is to go to the developer and tell them what we need and this is how we do it.

Councilman Zimmerman commented that if we point the developers in a direction it might help their development as well as help our citizens. If we do not move on this we are going to miss an opportunity. He questioned if there is any kind of time certain that we should look at.

Mayor Bendekovic clarified that we should only focus on the connectivity. The density still needs to be looked at but as far as transportation, Councilman Jacobs mentioned that. She questioned whether we want pedestrian connectivity or bicycles.

Councilman Zimmerman indicated it is about moving pedestrian through the sites. There is a lot of density going in and that will generate people in the area. He reiterated that we need to move fairly quickly and he sees hesitancy to do that and yet we will be asked to approve these items.

Motion by Councilman Zimmerman that we have a charrette and it needs to be between September 14, 2014 and September 21, 2014 in the evening or Saturday. There was no second to the motion.

Councilmember Stoner suggested having the charrette before the end of the year.

Mayor Bendekovic advised that she would rather delay it and have what you need rather than to move forward and not have what you need. She realizes the urgency. She cannot do it between September 14 and 21, 2014.

* * * * *

Mr. Lunny read Item No. 23.

23. DISCUSSION CONCERNING EXPANDING THE LIST OF ZONING DISTRICTS PERMITTING FAST FOOD RESTAURANTS AS A CONDITIONAL USE.

A Memorandum dated August 28, 2013, to Mayor and City Council, Laurence Leeds, Director, and Gayle Easterling, Senior Planner, follows:

SUBJECT: Administrative Item: PD13-0004
Discussion of expanding the list of Zoning Districts permitting Fast Food Restaurants as a Conditional Use B-2L, B-7Q, and B-2P

Currently, fast food restaurants are regulated as conditional uses in the SPI-2 (Gateway) and SPI-3 (Midtown) zoning districts. These areas are indicated in BLUE on the attached map.

The applicant has submitted a zoning code amendment to allow fast food restaurants as a conditional use in three additional zoning districts. These areas are indicated in RED on the attached map.

The applicant indicates his client wishes to construct a drive-thru Dunkin Donuts in the Party Supermarket Shopping Center north of Sunrise Boulevard and west of NW 118th Avenue. The property is currently zoned B-2L. Amending the B-2L zoning district would also allow fast food restaurant on the south side of Sunrise Boulevard between Volunteer Park and Flamingo Road.

The applicant has not identified other potential fast food sites but has requested that fast food be extended to the B-2P and B-7Q zoning districts. B-2P and B-7Q include neighborhood shopping centers and office parks scattered throughout the City. If the zoning code is changed as requested, conditional use applications for fast food restaurants could be submitted for the following locations:

- Jacaranda Square (northwest corner of Sunrise Boulevard and Pine Island Road)
- Central Park Plaza (north side of Broward Boulevard, west of Central Park Place)
- Nob Hill Pavilion (northeast corner of Nob Hill Road and Cleary Boulevard – Bonefish Grill)
- Town Center Plaza (northwest corner of Broward Boulevard and NW 69th Avenue – Publix)
- Existing office sites along both sides of NW 70th Avenue (from Broward Boulevard north to NW 4th Street)
- Winn Dixie Marketplace and Bank of America site (north side of Broward, west of 70th Avenue)
- Plantation Square (southwest corner of University Drive and Sunrise Boulevard)
- Jacaranda Plaza (north side of Sunrise Boulevard east of Lauderdale West Drive)
- Existing retail and office sites located on the south side of Sunrise Boulevard between University Drive and Lauderdale West Drive
- Plantation Key Office Park (southeast corner of University Drive and Marcano Boulevard)
- Cornerstone Office Park (south Midtown area)
- Plantation Professional Park (southwest corner of Sunrise Boulevard and NW 11th Place)

REQUEST

The decision to allow fast food as a conditional use in B2-L zoning district is a policy issue to be made by City Council. B2-L has historically been somewhat restrictive due to its proximity to Plantation Acres. Approval of fast food restaurant in the B2-L zoning district would also require an amendment to the SPI-1 "Plantation Acres Overlay District", which currently prohibits fast food establishments.

Staff does not support amending the B-2P and B-7Q zoning districts to allow fast food restaurants, even as a conditional use. Staff believes it is premature to consider such a sweeping citywide change before Council evaluates all potential "infill" uses in these zoning districts. If the Council chooses to recommend fast food be expanded as a conditional use in the B-2L, B-2P, and/or B-7Q zoning districts, staff recommends the following conditions be applied:

1. Minimum 200-foot setback from any portion of a drive-thru lane to property zoned or used for residential use. (Noise impacts associated with drive-thru)
2. Minimum 200-foot distance separation from the end of the stacking lane to any access point to a public street. (To prevent stacking vehicles from obstructing access into the site)
3. Minimum 1,500-foot separation from any public or private school. (Property line to property line)
4. Minimum 1,000-foot separation between fast food establishments.
5. Fast food establishments with a drive-thru component cannot be located adjacent to a roadway containing less than six travel lanes.
6. Design criteria to assure the restaurant is compatible with existing development.

Mr. Leeds advised that Mr. Laystrom submitted an application for what is known as a zoning text change and it is an application to allow fast food restaurants in zoning districts where they are not now currently permitted. Most of the fast food restaurants regulated and permitted are sometimes as a conditional use. Most of these areas are in the Midtown area and at the Gateway area at the eastern end of the City. Mr. Laystrom has requested and has indicated to staff that he has a potential drive-thru Dunkin Donuts, which is classified as a fast food restaurant for the shopping center on the north side of Sunrise Boulevard, just west of NW 118th Avenue. Mr. Laystrom is requesting a text change to allow the restaurant in these areas. If the text change is approved for the B2-L you are talking about all of commercial that is basically at the far end of the City at Sunrise Boulevard and Flamingo Road would be open to allowing this as a conditional use. He reminded everyone that a conditional use does not mean that the Council can turn it down for any reason. If the applicant makes a prior meeting, what is called a prima fascia case, for the conditional use and meets the criteria then the City has the obligation of rebutting that prima fascia case. A conditional use is not a way to say no. Mr. Laystrom has also requested changes to the B7-Q districts and the B2-P; these districts collectively, not including the B2-L, amount to approximately over 400 acres and are scattered throughout the City. A lot of these are midsized and smaller shopping centers. The B7-Q areas are actually office parks. When we think about changing the zoning to introduce a new use and we do it on a citywide basis he does not think it is a good idea to do it without careful thought. We do not know what is going to happen in the next five years and we could have shopping centers where portions will be torn down and someone will submit an application for fast food. He will leave B2-L, the area out by the commercial areas by the acreage, up to Council. There is some

history with the B2-L and the Acres to keep certain uses but he does not know if this is one of them. He would not recommend changing any of the B2-P or the B7-Q zoning districts at this time. This is something that requires possibly one or two administrative discussions and where the City wants to go with fast food restaurants. The other issue is that a drive-thru Dunkin Donuts does not generate nearly the traffic you will see in some of the other drive-thru facilities. It is fast food but there are different types of fast food; some have a tremendous amount of traffic. If you do approve the amendment for any of these zoning districts we have added six conditions that we would like to see included in the ordinance. Tonight's discussion is administration, the Council will take no action but if the Council decides to change the B2-L, B7-Q or the B2-P, he is not supportive of the last, but if they do he believes the following safeguards need to be incorporated. It is not believed that these uses should be right next to schools or daycare centers; there should be separation between them so there is not a clustering of them and we should have design criteria.

Councilmember Stoner questioned the current Dunkin Donuts zoning on Broward Boulevard and State Road 7.

Mr. Leeds indicated that the restaurant is an inline drive-thru and it is regulated differently than a freestanding. He could not recall whether a conditional use was required; it may have been required.

Councilman Jacobs commented that there is another Dunkin Donuts on Sunrise Boulevard in the Mercedes Plaza and there is another at Veranda with no drive thru.

Mr. Leeds stated that might not have been allowed but it was before his time.

Councilman Jacobs noted one concern that we do not end up with a line of fast food restaurants going down the street one after another. One of the suggestions was a 1,000-foot separation between the uses and he questioned if that is enough to prevent that kind of thing.

Mr. Leeds believes it could be increased; a fast food restaurant generally creates per square-foot more traffic demand. It depends how you want to regulate this use. If you are concerned about a proliferation then perhaps the distance should be increased. The report stated 1,500 feet from any sort of school.

Councilman Jacobs indicated that his concern was clustering and not being located adjacent to a roadway less than six lanes. If that were changed to four lanes it would open up to most of the City.

Mr. Leeds advised that perhaps the distance should be increased to 1,500 feet. If there were a corner and one is two lanes and one is six lanes that would probably meet the test. If they are not adjacent to at least one road that is six lanes on a corner it would not be allowed. This would exclude most of Nob Hill Road, which are four lanes.

Mr. Laystrom indicated that he was approached by three different property owners, one of which is the Pet Smart. He distributed an aerial photograph of the Pet Smart Plaza. The community has changed and their attitude towards fast food and the fast food industry is no longer Burger King and McDonalds; it is Dunkin Donuts, Starbucks, and a number of others. There are a lot of short term sit-down restaurants from Chick-Fil-A to many other different kinds of uses. Plantation Promenade asked about fast food at that facility and staff said they do not want that because it was prohibited and they have a bank and now you are saying there are too many banks. When Dunkin Donuts came in he spoke with three different owners including the Pet Smart owner. He stated that he would file the \$3,000 application fee, which will bring an ordinance before Council to look at. He wants to move forward with the idea that it is a conditional use and that you place whatever restrictions you feel are appropriate. He thinks in today's world that it is time; these are anchored shopping

centers and high traffic areas. He wants to open the discussion so there can be an ordinance so that the restrictions can be reviewed.

Mayor Bendekovic noted that one location marked is currently a restaurant; it is a Columbian restaurant.

Mr. Laystrom stated that he has not done a site plan and they have not done a traffic analysis because it is prohibited they cannot come in for an application. Currently they are looking at three different locations in the shopping center; one is in the parking lot area that is a typical freestanding and one is on either cap end of the building that runs north and south at the Pet Smart Plaza. He is not suggesting that Council approve this; he is saying that there is an opportunity to allow fast food in these different zoning districts subject to whatever reasonable conditions you place on it. It is a site by site review. This is to open up so he can show a site and Council can say whether or not it is appropriate and if guidelines are provided on distance separation of uses he is fine with those.

Councilman Jacobs questioned whether a 1,000-foot distance separation would allow only one fast food in this particular location.

Mr. Laystrom replied yes. He noted that he has to distance it out to Best Buy because that is a separate plaza and see if that would be 1,000 feet. He thinks 1,000 feet would probably cover both but he would have to check. The idea is to allow one in this shopping center; there might be one across the street at the old Circuit City. He disagrees on elementary schools but might agree on the high schools. At this point he is requesting for direction to have staff draft an ordinance so we can have a public hearing and discussion on the proposed ordinance.

Councilman Jacobs advised that he was comfortable going along the lines of staff recommendations and going forward with the ordinance.

Councilman Levy questioned whether Councilman Jacobs would go for a distance requirement.

Councilman Jacobs stated that he would start with 1,000 feet; we may want more.

Mr. Lunny commented that 700 to 800 feet is nothing, especially if you are driving.

Councilman Fadgen indicated that he would like to explore it further.

Councilmember Stoner and Councilman Zimmerman were fine.

Mayor Bendekovic mentioned the sites they are requesting; Nob Hill Pavillion. She thinks we need to look at those and eliminate some of them before you start this process because that is not feasible.

Councilman Jacobs noted that Mr. Leeds talked about only doing it in one zoning district.

Mr. Leeds clarified B2-L.

Mayor Bendekovic stated that is Plantation Acres. Remember, it is right out; there is no left turn.

Mr. Laystrom advised that his goal was by zoning districts; they had no intention of picking specific locations. Mr. Leeds pointed out all of the different sites that are zoned. Perhaps they will put it in one zoning district that

does not cover those districts and to the extent that someone would want to ask for it they would have to request rezoning in order to go to the alternate district. He will work with Mr. Leeds.

Mayor Bendekovic commented that when One Plantation Place started they were going to have a stand alone restaurant there. She questioned if that will dump down the quality of a restaurant that would have been stand alone. One is coming in at Westfield Mall and it is going to be coming to Council. They are going to bring in a very nice restaurant to do a stand alone on the corner. If they do something like that are they going to say lets put in a McDonalds instead of this nice restaurant?

Mr. Laystrom indicated that was two different questions. He could do it today in SPI-3, which is what One Plantation Place is; however, they are not putting a fast food restaurant at that location. This would not apply because there are already regulations for the SPI-1, which is the State Road 7 corridor, or the SPI-3, which already has it in there as well. They are not changing their plan at all.

Mayor Bendekovic stated that we need to be very careful because we do not want them popping up.

Councilmember Stoner questioned if this particular site is included that the Mayor mentioned and someone wanted to do it and it does not meet the rest of the criteria of fitting and queues you still could not do it but that does not mean the possibility of tearing something down in the future.

Mr. Leeds advised that they would have to meet the minimum criteria. This is something that needs to be discussed before changing the zoning because once the zoning is changed, if they meet the criteria, and then you are going to have to demonstrate why it should not be allowed. There are fast food restaurants looking at sites in the City. We have something in the City that is called fast casual and it is not addressed in the zoning code; it is relatively new. He thinks it is a mistake to assume that a restaurant is or is not fast food simply because it has certain characteristics. We would have to look at the zoning code because there are three different kinds of restaurants; low turnover restaurants that are upper quality; turnover sit down like the traditional Denny's; then we have fast food. There is this whole range of new restaurants that we do not know how to classify. If Mr. Laystrom wanted to put an inline Dunkin Donuts in the Plantation Acres shopping center he would not meet some requirements; he would not meet 200 feet separation from the stacking lane; he would not meet the requirement for 200-foot separation from any portion of the stacking lane to property zoned or used for residential use. He could request waivers. With some fast food restaurants there is a drive thru that is open at least until 2:00 a.m. and they are frequented by people with large stereo systems in their cars and he is trying to insolate the neighborhoods that are nearby from the noise that could be emanating from the speaker box and the radios. He heard some comments that Councilman Jacobs is all right with this based on looking at these restrictions. He believes that he wants to look at B2-L but he is not sure if you want to look at B2-P which is citywide and B7-Q which happens to include Cornerstone. He wants direction. He does not think Council should go in that direction.

Councilmember Stoner suggested that Mr. Leeds put a package together for Council.

Mr. Leeds indicated that he could put it together for B2-L initially and then Council can look and decide where they want to go from there.

Councilman Fadgen stated that he would prefer that.

Councilman Levy and Councilman Jacobs were in favor of B2-L.

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LEGISLATIVE ITEMS

Mr. Lunny read Item No. 24.

24. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE PERTAINING TO THE SUBJECT OF THE CITY'S ALCOHOLIC BEVERAGES REGULATIONS; AMENDING DISTANCE SEPARATION REQUIREMENTS BETWEEN CERTAIN ESTABLISHMENTS SELLING ALCOHOLIC BEVERAGES AND PARKS, HOSPITALS, SCHOOLS, HOUSES OF WORSHIP AND CHILD CARE CENTERS; PROVIDING FOR CONFLICTS; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

A Staff Report dated August 28, 2013, to the City Council, from the Planning, Zoning and Economic Development Department, follows:

SUBJECT: Code Amendment to Ch. 3 – Alcoholic Beverages (PD13-0002)

BACKGROUND

In response to a privately initiated application, the City Council amended City Code Section 3-3(a) in late 2011 to reduce the separation requirement between gas stations selling beer and wine and child care centers from 1,000 feet to 250 feet. The revision applied to gas stations with convenience stores less than 1,200 gross square feet in area and having no auto repair facilities. In addition, play areas associated with child care centers within the otherwise applicable distance separation were required to be separated from all vehicular use areas by a minimum six (6) foot high concrete wall and separated from all other areas by a minimum six (6) foot high non-climbable fence or wall. The code currently exempts grocery stores, drugstores, restaurants without a bar or entertainment area, hotels and motels without bars, and package stores adjunct to a grocery store from the day care distance separation requirement.

ANALYSIS

The applicant, Chabad-Lubavitch of Plantation, Inc., recently purchased a vacant piece of property located on the north side of Broward Boulevard, west of Nob Hill Road (10359 West Broward Boulevard). The applicant is processing a site plan application to develop a two-story building which will include a child care center and small restaurant on the first floor and offices on the second floor. The proposed child care center does not meet the separation requirements, as it is located approximately 225 feet from a Mobil gas station with a 1,500-square-foot convenience store that has package sales of beer and wine. The City Council cannot grant waivers to alcoholic beverage separation requirements; therefore, the applicant has applied for an amendment to the code reducing the distance separation requirement between child care centers and gas stations with convenience stores.

The proposed Ordinance, if approved, will:

1. Reduce the minimum separation requirement between child care centers and gas stations with a convenience store having less than 1,500 gross square feet in lieu of 1,200 square feet;

2. Reduce the separation (measured straight line from front door to front door) from 250 feet to 225 feet; and
3. Apply citywide and is not site specific to the applicant's property.

STAFF COMMENTS:

PLANNING AND ZONING: This is a policy determination to be made by City Council.

POLICE DEPARTMENT: No comment.

Mr. Leeds explained that in the Central Park Plaza there used to be a Walgreens store along with a Doris' Market. The Walgreens moved down the street to Nob Hill Road and Broward Boulevard. It was vacant and they had a request for a daycare center; however, the code has a minimum separation requirement. The applicant for that project said they would like to reduce it from 1,000 feet separation to 250 feet and they would like to limit the gas station and convenience stores less than 1,200 square feet in area. The applicant is requesting that ordinance be changed again. They have purchased a piece of property west of Nob Hill Road, directly west of the Mobile Station, on the north side of Broward Boulevard. They want to reduce that 250 feet to 220 feet and they want to allow a 1,500-foot facility instead of 1,200. This is because the Mobile Station convenience store is closer to the location of this daycare than the Walgreens was to the Amoco Station down the street. This is the first reading of a text change; it does not have to go to the Planning and Zoning Board because it is Chapter 3 Alcoholic Beverages and the applicant is going to explain their situation.

Attorney Emerson Allsworth was present on behalf of the applicant. He stated that they are not here for site plan approval but he wanted to show the drawing. The Chabad Synagogue purchased this piece of property on Broward Boulevard and Nob Hill Road at the northwest corner next to the Mobile Station. The proposed daycare center site plan will be filed within the next few days. It is zoned B7-Q and requires a conditional use. It will come before Council in approximately 90 days. Council will have ample opportunity to review it; it will go to the Planning and Zoning Board and it will be a conditional use. Between the day care and the Mobile Station there is over a 60-foot roadway and the daycare entrance is at the extreme far end of the building. They have separated the entrance from the gas station at the furthest point possible on this property which is 220 feet. They are requesting a text change to change the existing ordinance from 250 feet to 220 feet; a change of 30 feet. The size of the kiosk in the gas station is a little less than 1,500 feet. He compared it to other gas stations and the limited beer display is the same as seen in all of the kiosks. The play area for the day care center is at the far end of the back and surrounded by a wall so there is absolutely no relationship between the day care center and across the street where the service station is. There is one glitch in the ordinance; it has the figure 225 feet and they originally requested 220 feet.

Motion by Councilmember Stoner, seconded by Councilman Jacobs, to approve Item No. 24 on first reading. Motion carried on the following roll call vote:

Ayes: Jacobs, Stoner, Zimmerman, Fadgen, Levy

Nays: None

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QUASI-JUDICIAL CONSENT AGENDA – None.

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QUASI-JUDICIAL ITEMS

Mr. Lunny read Item No. 25.

25. REQUEST FOR SIGN SPECIAL EXCEPTION FOR PLANTATION PROMENADE LOCATED AT 10001 CLEARY BOULEVARD.

A Staff Report dated August 28, 2013, to City Council, from the Planning, Zoning and Economic Development Department, follows:

SUBJECT: PP13-0015: Plantation Promenade – Sign Special Exception

ADDRESS: 10001 Cleary Boulevard

LOCATION: Located on the northeast corner of Nob Hill Road and Cleary Boulevard

LAND USE/ZONING: Commercial/B-2P (Central Business District)

REQUEST: From: Section 22-35(g), which limits wall sign area to one-square-foot for each lineal foot of establishments storefront (not to exceed 60 square feet);

To: Allow approximately nine tenants having storefronts ranging between 14 and 20 lineal feet in length to have pierced box cabinet signs up to 22 square feet in area.

EXHIBITS TO BE INCLUDED: Planning and Zoning Division report, subject site map, aerials, Sign Special Exception application and sign details.

ANALYSIS:

The Plantation Promenade shopping center is located on the northeast corner of Nob Hill Road and Cleary Boulevard. The site encompasses 14.5 acres and is developed with a 144,146-square-foot shopping center with multiple tenants including a grocery store anchor. The site is currently under renovation.

The applicant, as part of the center renovation, plans to replace all in-line tenant signs with the exception of the six anchors or junior anchor stores. Anchors or junior anchors will be allowed channel letters (Type A) in white, black, red, or “Publix” green. In-line tenants will be allowed a pierced box sign with white letters on a non-illuminated black background or black letters on a non-illuminated white background. The in-line sign color will be determined by the building paint color where the sign is mounted (black backgrounds on the lighter paint colors and white backgrounds on the darker paint colors).

In-line stores having less than 30’ of frontage will be allowed a 17” x 12’ cabinet with 12” letters (Type B – up to 12 square feet in sign area). In-line stores having more than 30’ of frontage will be allowed a 17” x 12’ cabinet with 13” letters (Type C – up to 13.2 square feet in sign area). A third cabinet size measuring 26” x 12’ with a 22’ letter (Type D – up to 22 square feet in sign area) is proposed for storefronts that have usual

storefront configurations due to location, awnings, or brows or longer business names that will be presented on two lines of copy in lieu of one. A site plan showing the proposed sign type locations is attached at Page 1 of the applicant's submittal.

Seventeen out of 47 storefronts have been identified for Type D signs (shown in pink on the site plan). Of these, approximately nine have storefronts ranging in size from 14 to 20 feet. As the code limits the square footage of allowable sign area based on the storefront width, a special exception is required for these stores to have a Type D sign that is 22 square feet in area.

STAFF COMMENTS:
PLANNING AND ZONING:

1. Trim cap and return colors need to be identified for the type A channel letter signs.
2. Sign cabinets may consist of pierced face construction only (illuminated letters with opaque backgrounds).
3. Three stores are shown on the site plan with Type B signs although they appear to have greater than 30' of frontage and would qualify for a Type C sign. Please advise staff if this was the applicant's intent or provide a new site plan showing these stores with Type C signs (Bays 50-51, 52-54, and 61-62).
4. The sealed construction drawings are not part of this approval. Please provide with the building permit submittal.

DESIGN, LANDSCAPE & CONSTRUCTION MANAGEMENT: Staff has no objections to the sign special exception.

1. Please make sure the new and/or existing tree canopy will not interfere with the visibility of the proposed locations of the wall signs.
2. Staff has been working with the property owner/agent with regards to the outstanding landscape concerns on the overall site.

Mr. Leeds explained that Plantation Promenade is undergoing a landscape replacement program. They are half way through some changes; it is under construction in the facades of the stores. This is a redevelopment plan that is being undertaken by the landlord that was approved by the Plan Adjustment Committee. The final component is a sign special exception. There are 47 signs on the site and the special exception will only relate to nine of the signs. The increase in size for these nine signs is not significant, it is reasonable. The thing that distinguishes this application from any other sign special exception he has received is the applicant's attempt to put together a coherent sign master plan based on the nature; the design of each separate tenant. Many of the larger signs will be located in the niches on both sides of Publix. They are not taking a position on this; however, he stated that the applicant has tried to come up with a coherent and organized approach to the sign special exception.

Motion by Councilman Jacobs, seconded by Councilman Zimmerman, to approve the sign special exception. Motion carried on the following roll call vote:

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

* * * * *

Mr. Lunny read Item No. 26.

26. REQUEST FOR SITE PLAN, ELEVATIONS AND LANDSCAPE PLAN APPROVAL FOR MARKET ON UNIVERSITY LOCATED AT 1003-1179 SOUTH UNIVERSITY DRIVE.

–AND –

Resolution No. 11741

RESOLUTION APPROVING A 45,000-SQUARE-FOOT SPORTSCENTER A CONDITIONAL USE TO BE LOCATED IN A SPI-3 ZONING DISTRICT ON PROPERTY LYING IN SECTION 9, TOWNSHIP 50 NORTH, RANGE 41 EAST, AND DESCRIBED AS PART OF TRACT “D” OF JACARANDA PARCEL 822 LYING WITHIN THE NORTH 346’ M/L, AS RECORDED IN PLAT BOOK 96, PAGE 28, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, AND GENERALLY LOCATED ON THE SOUTHWEST CORNER OF UNIVERSITY DRIVE AND SW 10TH STREET (1041-1045 SOUTH UNIVERSITY DRIVE); PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFOR. (LA FITNESS)

– AND –

Resolution No. 11742

RESOLUTION APPROVING A DRIVE-THRU FOR A BANK AS A CONDITIONAL USE TO BE LOCATED IN A SPI-3 ZONING DISTRICT ON PROPERTY LYING IN SECTION 9, TOWNSHIP 50 NORTH, RANGE 41 EAST, AND DESCRIBED AS PART OF TRACT “D” OF JACARANDA PARCEL 822 LYING WITHIN THE SOUTH 139’ M/L, AS RECORDED IN PLAT BOOK 96, PAGE 28, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, AND GENERALLY LOCATED ON THE SOUTHWEST CORNER OF UNIVERSITY DRIVE AND SW 10TH STREET (1179 SOUTH UNIVERSITY DRIVE); PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

A Staff Report dated August 14, 2013, to City Council, from the Planning, Zoning and Economic Development Department, follows:

SUBJECT: PP13-0002: Site Plan, Elevations, and Landscape Plan for Market on University (formerly Office Max Plaza)

ADDRESS: 1003-1179 South University Drive

LOCATION: Located on the southwest corner of University Drive and SW 10th Street

LAND USE/ZONING: Commercial/SPI-3 (Midtown)

REQUEST #1: Site plan, elevations, and landscape plan approval;

REQUEST #2: Conditional use approval to allow a 45,000-square-foot sportscenter; and

REQUEST #3: Conditional use approval to allow a drive-thru facility for a bank.

WAIVER REQUESTS:

1. From: Section 27-768(3), which requires a market study as part of the conditional use application;
To: Waive the requirement for a market study for the bank (with drive-thru) and sportscenter.
2. From: Section 27-626(b)(1), which requires the principle façade of the sportscenter to face the B Street (SW 10th Street);
To: Allow the principle building faced of the sportscenter to face east towards University Drive.
3. From: Section 27-624(c)(1)(iii), which requires the proposed sportscenter to have 30% glazing on the building façade facing the B Street (SW 10th Street);
To: Allow less than 5% glazing on the building façade facing the B Street (SW 10th Street).
4. From: Section 27-621(d)(2), which requires redevelopment that alters the building footprint or massing on an A or B designated street to comply with the SPI-3 design standards;
To: Deviate from the SPI-3 design standards on the B Street (SW 10th Street).
5. From: Section 27-624(c)(1)(ii), which requires the proposed sportscenter to meet the 10’-20’ build-to-zone requirement on the B Street (SW 10th Street);
To: Allow a building setback of 63.1’ on the B Street (SW 10th Street).
6. From: Section 27-625(c)(1), which requires a 50’ setback for surface parking on a B Street (SW 10th Street).
To: Allow existing parking to remain with a 4.5’ setback from the B Street (SW 10th Street).
7. From: Section 27-625(d)(2), which prohibits parking garage frontage on the ground floor of a B Street (SW 10th Street) and requires the ground floor to be occupied by commercial use with a minimum depth of 20 feet.
To: Allow parking garage frontage on the ground floor of a B Street (SW 10th Street).
8. From: Section 27-625(d)(2), which requires entrances into parking garages that front on a B Street (SW 10th Street) to have a minimum separation of 200’;
To: Allow a 95’ separation between parking garage entrances on a B Street (SW 10th Street).
9. From: Section 27-623(d)(2)(i), which requires sidewalks on a B Street (SW 10th Street) to be a minimum of 8’ in width.
To: Allow the existing sidewalk along a B Street (SW 10th Street) to remain at 4.5’.
10. From: Section 27-626(b)(3)(iv), which requires the sidewalk to be of an enhanced material such as concrete with integral color, patterned concrete, pavers, etc.
To: To allow the concrete sidewalk on the B Street (SW 10th Street) to remain as is.
11. From: Section 27-743, which requires 808* parking spaces based on the varied uses within the center;
To: Reduce the required parking from 808 parking spaces to 562 parking spaces.

**See Pages 6-7, PZED Evaluation of Applicant’s Parking Study*

12. From: Section 13-40(a)(b)(c)(3). Interior landscaping for parking areas, which requires islands or

medians to be provided to separate parking bays from major internal access drives and have a minimum width of 10', not including curbing.

- a. 10' required in the terminal islands in the eastern parking area – 8.8' provided.
- b. 10' required in the median just north of the proposed bank – 6' provided.

13. From: Section 13-40(a)(b)(c)(3). Interior landscaping for parking areas, which requires large shade trees to be installed in all parking areas at a maximum spacing of 40' center to center.
- a. Three trees are required in the median just to the north of the proposed bank – two provided (3 palms = 1 tree).
 - b. One tree is required in the planting island at the entrance off SW 10th Street.

14. From: Section 13-41(a)(b)(c). Pedestrian zones along building facades, which requires landscape pedestrian zones to extend the full width of each façade which abuts a parking or vehicular use area; the minimum width of such landscape zone shall relate to the adjacent structure's wall height.

LA Fitness (#1041 - #1043):

- a. 28' lpz is required along the northern façade – 13' has been provided.
- b. 28' lpz is required along the southern façade – 0' has been provided.
- c. 28' lpz is required along the eastern façade - <10' has been provided.
- d. 28' lpz is required along the western façade – 9' has been provided.

Out Parcel (#1179):

- a. 10' lpz is required along the southern façade – 5' has been provided.
- b. 10' lpz is required along the western façade – 10' has been provided.

Story Bldg. (#1003 - #1025):

- a. 12' lpz is required along the eastern façade – 10' has been provided.
- b. 12' lpz is required along the western façade – 10' has been provided.
- c. From Section 13-41(a)(b)(c). Pedestrian zones along building facades.
- d. From Section 13-41(a)(b)(c). Pedestrian zones along building facades.

15. From: Section 13-41(a)(b)(c). Pedestrian zones along building facades, which requires one tree to be installed in this zone per each 30 lineal feet, or fraction thereof, of façade width.

LA Fitness (#1041 - #1043):

- a. Eight trees are required along the eastern landscape pedestrian zone – two trees have been provided.
- b. Four trees required along the eastern façade – one provided.

EXHIBITS TO BE INCLUDED: Planning and Zoning Division report; subject site map; Conditional use/site plan application; Planning and Zoning Board meeting minutes of June 4, 2013; Landscape Planning and Review Board meeting minutes of June 4, 2013; and Review Committee meeting minutes of April 23, 2013 and February 26, 2013.

PLANNING AND ZONING BOARD RECOMMENDATION: APPROVED all fifteen waivers (June 4, 2013; 4-2); and **APPROVED** the site plan, the conditional use for the bank drive-thru and the conditional use for the sportscenter subject to staff comments (June 4, 2013; 6-0).

LANDSCAPE PLANNING AND REVIEW BOARD: APPROVED subject to staff comments (June 4, 2013; 5-0).

REVIEW COMMITTEE RECOMMENDATION: NO OBJECTION moving forward subject to compliance with staff comments (April 23, 2013).

REVIEW COMMITTEE RECOMMENDATION: DEFERRED to the next meeting due to plans being incomplete (February 26, 2013).

ANALYSIS:

The subject property is zoned SPI-3 and located on the southwest corner of University Drive and SW 10th Street. The applicant, Locust Gardens LLC, owns approximately 10.8 acres composed of three parcels. The 10.8-acre parcel was originally approved as Phase II of a 17.2-acre master plan on January 24, 1979.

Phase I included the existing grocery store and bank encompassing 57,800 square feet located south of the subject site (under separate ownership). Phase II included approximately 136,000 square feet of office and retail uses.

The applicant proposes:

1. Demolition of the existing two-story retail/office space (Office Max) and replacement with a 45,000-square-foot sportscenter at the north end of the west building;
2. Demolition of the existing freestanding restaurant (Applebee's) and reconstruction of a 2,853-square-foot bank;
3. Addition of 930 square feet to an existing restaurant (Carrabba's) at the east end of the north building, enclosing the existing outdoor seating area;
4. Retail on the ground floor of the sportscenter (2,600 square feet);
5. Façade improvements to the existing retail center; and
6. The addition of three new restaurants, only two of which (Picket Barrel and Evos), have been identified at this time.

Sportscenters (LA Fitness) greater than 2,500 square feet in area require conditional use approval in the SPI-3 zoning district. All drive-thru facilities within the district (including those for banks) also require conditional use approval. The applicant has provided responses to the conditional use criteria (see Exhibit A).

Staff requested market studies be provided to the Planning and Zoning Board and City Council for each conditional use as required by Section 27-768(3) of the code. No market studies have been submitted and the applicant is requesting a waiver.

Required parking for the 17.2-acre master plan was initially based on the planned shopping center requirement in effect in 1979. The 1979 planning shopping center code required one space per each 225 square feet of gross floor area for most uses. This meant that high-parking demand uses such as sportscenter or restaurant required parking based on the one space/225-square-foot standard.

The required parking analysis allows 20,000 square feet of existing restaurant to be based on the prior planned shopping standard (one space/225). The new site plan requires application of the current planned shopping center parking, which requires restaurants and sportscenters provide parking based on their respective individual requirements. Restaurants require one space per 85 square feet of gross floor area (one space/4 seats if a seating plan is provided). Sportscenters require one space per 120 square feet of gross floor area.

STAFF COMMENT:

PLANNING AND ZONING:

Planning:

1. The proposed uses are consistent with the Commercial land use designation on the adopted Future Land Use Map.
2. As per Section 20-61 of the City Code, the applicant must submit the required concurrency review form for water, sewer, streets, drainage, and solid waste prior to City Council consideration.

Zoning:

In General:

1. The Phase II site plan includes three parcels. In order to consider the Locust Gardens property as one site for purposes of parking, open space, pervious area and other zoning requirements, the applicant shall provide a unity of title or unified control document prohibiting the subsequent separation of these parcels. *These documents shall be submitted for review and approval by the City Attorney and recorded prior to Zoning approval of any building permits.*

Bank:

2. The applicant is requesting conditional use approval for the bank drive-thru and will bring the bank building and drive-thru canopy plans back for site plan approval. The applicant did not submit building elevations or floor plans as are required for site plan review. *Staff does not recommend approval of the bank conditional use prior to site plan approval.*

Site Plan:

3. SW 10th Street is a designated B street. Section 27-621(d)(2) requires redevelopment that alters the building footprint or massing on an A or B designated street to comply with the SPI-3 design standards. The applicant is requesting a waiver.
4. Section 27-624(c)(1)(ii) requires the proposed sportscenter to meet the build-to-zone requirements. This requires the building structure be a minimum of ten feet and a maximum of 20 feet from SW 10th Street. The applicant is requesting a waiver.

Pedestrian Interconnectivity:

5. The shopping center provides some existing internal connectivity running south to north. A private sidewalk extends north from Peter's Road to a private walkway in front of the two-story Prudential Office Building. The office walkway, which also provides ADA access, continues as a separated walkway adjacent to the rear parking lot (behind Publix). The walkway continues in front of the restaurants and LA Fitness to a parking lot adjacent to SW10th Street. There is no crosswalk at 10th Street to the Fountains in this area. Pedestrians must cross at University Drive and SW 10th Street or at the intersection of SW 10th Street and SW 80th Terrace extended (No stop sign for SW 10th Street traffic at the latter location). *Staff Recommendation: The applicant shall meet with the Engineering Department to determine if a SW 10th Street pedestrian crosswalk can be installed in the general vicinity of LA Fitness. If such a connection can be made safe and meet Engineering standards, the applicant shall install the crosswalk prior to issuance of a CO for LA Fitness.*
6. Directly west of an adjacent to the back of the shopping center is the proposed Crossroads Residential site. There is an "unapproved" pedestrian shortcut connecting both properties. Pedestrian connectivity between both sites has been discussed. However, no definitive commitment has been made by either party to jointly agree and construct the connection. *Staff Recommendation: The applicant shall agree to (1) grant access to their property from the Crossroads IV (south parking lot) and (2) build the pedestrian connection. Staff will recommend the owner of Crossroads IV office building be required to allow and approve the connection. If there is a disagreement between the parties as to connection location, the parties shall meet with City staff who will determine an appropriate location.*

Floor Plans:

7. Note: Outdoor seating for the proposed restaurant (EVOS) at the end of the north retail building is not part of this review.

Elevations:

New Fitness Center, West Retail Building (Zona Fresca, Dragon Buffet), and North Retail Building (Carrabba's)

8. Section 27-626(b)(3) states that stucco should be used as a subordinate element for certain accent purposes. The proposed plan:
- a. Remove brick veneer from the columns of the West Retail Building. The new elevation is entirely stucco and featureless.
 - b. Remove brick veneer from the columns of the North Retail Building except for Carrabba's.
 - c. The new LA Fitness Building is entirely stucco on the ground floor. No brick or stone façade work is proposed on the columns.

Staff recommends the applicant add flagstone (or comparable stone treatment approved by staff) to the building columns on the east elevation of the LA Fitness building and the west retail building. Staff also recommends that flagstone or comparable stone treatment be added to the lower 24" of the columns of the south elevation of the north retail building, excluding Carrabba's.

9. Section 27-626(b)(1) requires the principle façade of the sportscenter to face the B street (SW 10th Street). The applicant is requesting a waiver from this requirement.
10. Section 27-624(c)(1)(iii) requires the proposed sportscenter to meet the building glazing requirements of 30% of the building frontage on a B street (SW 10th Street). The applicant is requesting a waiver from this requirement.
11. Section 27-626(b)(3)(iii)(b) states mirrored or reflective glass is not permitted. Revise, if applicable, and note on both elevation plans that mirrored or reflective glass shall not be used.
12. Please provide a detail of the Type "M" light fixture. Locations of wall lights are depicted on the elevations; however, details of the lights themselves are not provided. All fixtures on both buildings should match.

Parking & Loading:

13. Required parking:

Existing restaurants are calculated based on the planned shopping center restaurant requirement (one space/225 square feet of gross floor area) *in effect at the time of restaurant approval.* Existing restaurants occupy 20,000 square feet of the 120,000-square-foot shopping center.

New restaurants are calculated based on the current restaurant requirement (one space/85 square feet of gross floor area or one space/4 seats). New restaurants or additions are proposed to occupy 6,000 square feet of the 120,000-square-foot shopping center.

LA Fitness is calculated based on the sportscenter requirement (one space/120 square feet of gross floor area). LA Fitness occupies 45,000 square feet of the 120,000-square-foot shopping center.

Retail uses are or will be located primarily in the North Retail Building backing onto SW 10th Street. Office uses are located in the freestanding office building fronting Peters Road (Prudential Real Estate).

The applicant has provided a site plan parking table and parking analysis, but does not include a spreadsheet identifying each tenant by address, uses and square footage of each space. Staff has requested (but has not received) this information from the applicant. In the absence of this information,

staff has constructed its own analysis using the applicant's parking data plus official City records and tenant floor plans.

Based on City parking code requirements, 808 parking spaces are required. 562 spaces are provided on-site, requiring a parking code waiver of 246 spaces.

PZED Evaluation of Applicant's Parking Study:

The applicant has submitted a parking study using the following:

(a) Application of Urban Land Institute (ULI) shared parking methodology. The Urban Land Institute is an independent global nonprofit supported by members representing the real estate development industry and land use discipline. Generally, the concept assumes that different uses experience peak demands during different times and days.

(b) A proposed reduction of the required parking ratio for sportscenter from one space per 120 square feet of gross floor area to one space per 193 square feet of gross floor area. The applicant has proposed this standard based on the applicant's parking survey of three LA Fitness locations:

- Northwest corner of US 1 and 38th Avenue (Oakland Park)
- Southwest corner of Flamingo Road and Sheridan Street
- Boynton Beach

Based on the following, staff does not believe sufficient parking will be available during certain peak use periods.

- Staff believes the proposed one space/193 square feet standard is on the low side of sportscenter parking requirements. Based on random observations of 24-hour Fitness during the hours of 5:00 p.m. and 7:00 p.m. on weekdays, staff recommends one parking space for each 150 square feet of gross floor area. While it is difficult to draw a general conclusion from a random parking survey of one health club, 24 Hour Fitness is the only health club in Midtown to examine.
 - Approximately 40% of the shopping center parking is located in a rear-yard parking field west of Publix and north of the two-story office building fronting Peters Road. The applicant has revised the site plan to make the rear-yard parking field more attractive and accessible to the LA Fitness entrance. The Police Department has requested safety improvements in the rear yard parking area as well. Staff cannot predict if these improvements will be sufficient to attract LA Fitness customers to the rear parking field as a "first choice" parking area.
 - The applicant is allowed to use the one space/225 standard (4.4 spaces per 1,000 square feet of gross floor area) for 20,000 feet of existing restaurant space approved under the prior planned shopping center requirement. Staff believes the 4.4 spaces/1,000 square feet of existing restaurant floor area is too low to apply to a shared parking analysis where 60% of the total center floor area is occupied by high parking demand uses (i.e. sportscenter and restaurants).
14. Remove parallel parking spaces in front of west retail building. This will increase the request parking waiver from 246 spaces to 249 spaces.
 15. Section 27-625(c)(1) requires a 50' setback for surface parking to a B street (SW 10th Street). Existing parking is located 4.5' from the north property line. The applicant is requesting a waiver.
 16. Section 27-625(d)(2) prohibits parking garage frontage on the ground floor of a B street (SW 10th Street). The ground floor must be occupied by commercial uses for a minimum depth of 20 feet. The applicant is requesting a waiver.

17. Access aisles into parking garages that front on a B street require a minimum separation of 200' between access points. The applicant is requesting a waiver.

Details:

18. Note: Outdoor seating areas shall comply with Section 27-721(61). Separate applications for each restaurant will be required.
19. Section 27-623(d)(2)(i) require sidewalks on a B street to be a minimum of 8' in width. The existing sidewalk is not dimensioned but appears to be 4.5' in width. The applicant is requesting a waiver.
20. Section 27-626(b)(3)(iv) requires the sidewalk material to be of an enhanced material such as concrete with integral color, patterned concrete, pavers, etc. The applicant is requesting a waiver.
21. The loading zone and dumpster area for the North Building faces SW 10th Street across from the Fountains. The chain link gates on the existing loading zone are in disrepair and the access driveway pavement requires cleaning, repair, or replacement. See attached photos in Exhibit "B" for existing conditions.
 - a. RECOMMENDATION: Replace loading zone gates with PVC or painted metal gates as required by SPI-3. Clean, repair, or replace cracked or stained driveways. Replace the existing sidewalk with a walk of equal width composed of enhanced materials such as concrete with integral color, patterned concrete, or pavers.
22. Note: Signage is not being reviewed as part of the site plan process. Proposed wall signage on LA Fitness and the ground sign shown in front of the proposed bank are not permitted.

TRAFFIC CONSULTANT:

1. The applicant is referred to the Planning, Zoning and Economic Development Department for comments and requirements pertaining to parking on this site.

ENGINEERING DEPARTMENT:

1. Please revise the angled crosswalk from the concrete walkway behind the southern most building to be perpendicular to the drive aisle. 05-21-13: The response states that "due to grading conflicts this crossing needs to remain in order to comply with ADA requirements." A stop bar should be placed a minimum of four (4) feet in advance of the nearest crosswalk line, per MUTCD 3B.16.10. This area of the parking lot, per the parking analysis, will be required to be used to meet capacity. This will generate more pedestrian traffic than is currently there today which is why the crosswalk will need to be installed correctly. Please correct the grading at this location to meet the pedestrian needs of the center. **08-01-13: The applicant states that they will work with Engineering to resolve this public safety issue. Solutions may involve decreased landscaping which would need to be mitigated elsewhere. The plans will need to be modified for this solution and will then need to be recorded as the approved City Council plans.**
2. There is a proposed 5' concrete walkway in between two (2) parallel parking spaces. Please remove. 05-21-13: The walkway is still shown on the plans. Please remove as requested. **08-01-13: As recommended by Planning and Zoning, remove parallel parking spaces, Engineering agrees. Removing the parking space would remove the conflict with the walkway. Please remove the parallel parking spaces in front of the building.**

Permit Comments

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

1. An erosion and sedimentation control plan will be required and reviewed at time of permitting. An NOI will be required.

2. A Maintenance of Traffic (MOT) plan will be required. Please meet with Engineering to discuss.
3. Drainage calculations will need to be submitted, signed and sealed by a professional engineer registered in the State of Florida.
4. Surface water management permit(s) through the Old Plantation Water Control District (OPWCD) and/or SFWMD may be required and a copy(s) provided to the Engineering Department at the time of permit review.
5. The applicant will be required to execute a developer agreement and post security for all engineering and landscape related improvements at the time of permitting.

DESIGN, LANDSCAPE & CONSTRUCTION MANAGEMENT:

- All site plan and planting plan comments from the Department of Design, Landscape and Construction Management must be responded to in time of permitting. Please note the revisions dates on the plans and bubble in changes as well.
- Tree/palm removal and relocation permits as well as mitigation fees must be obtained directly through the Design, Landscape & Construction Management Department at the time of permitting. Please contact Diana at 954-797-2248 directly to obtain required permits.
- The applicant will be required to execute a developer agreement and post security for all engineering and landscape related improvements at time of permitting.

Site Plan:

1. Terminal islands are to be a minimum of 10’ wide inside curb to inside curb. 10’ required in the terminal island in the eastern parking area – 8’8” provided. ***Waiver requested; staff has no objection to waiver request.***
2. Medians between parking bays and internal access drives must be a minimum of 10’ wide inside curb to inside curb. The proposed median just to the north of the proposed bank is less than 6’. ***Waiver requested; staff has no objection to waiver requested.***
3. Code requires landscape pedestrian zones to extend the full width of each façade abutting a parking or vehicular use area; the minimum width shall be half the height of the proposed or 10’ (paved areas in the lpz may not constitute more than 5’ of the required lpz). Landscape pedestrian zones have not been met throughout the site where changes have been proposed; (LA Fitness, Out Parcel, Existing one-story building, etc.):

LA Fitness (#1041 - #1043):

- a. 28’ lpz is required along the northern façade – 13’ has been provided
- b. 28’ lpz is required along the southern façade – 0’ has been provided
- c. 28’ lpz is required along the eastern façade – 0’ has been provided
- d. 28’ lpz is required along the western façade – 9’ has been provided

Waiver requested; staff has no objection to waiver request.

Out Parcel (#1179):

- a. 10’ lpz is required along the southern façade – 5’ has been provided
- b. 10’ lpz is required along the eastern façade – 9’ has been provided

Waiver requested; staff has no objection to waiver request.

One-Story Building (#1003 - #1025):

- a. 12’ lpz is required along the eastern façade – 10’ has been provided
- b. 12’ lpz is required along the western façade – 10’ has been provided

Waiver requested; staff has no objection to waiver request.

Planting Plan:

1. Please center all trees in the landscape islands in lieu of tips; plans show proposed trees 3' from the curb, etc. throughout the site. (i.e. Existing tree 2905 and 2927 in the proposed islands north of the out parcel, proposed Live oak in the island near tree #2914, etc.). Staff has a concern with the placement of the islands in the immediate vicinity of existing mature trees.
2. A category 1 tree is required in the planting island along the northern perimeter off SW 10th Street. ***Waiver requested; staff has no objection to waiver request. If the waiver is granted, staff requests mitigation for the required tree canopy.***
3. Please submit irrigation plans at time of permitting.
4. City staff will verify all trees proposed "to be removed or relocated" at time of permitting. All trees to be removed as well as relocated require ISA tree appraisals for mitigation purposes as per City codes. All proposed trees "to be removed" must be mitigated for as per City codes; tree mitigation will be above and beyond code-required trees on the property. Performance bonds are required on trees to be relocated as per City codes.
5. Please clarify the location of the proposed "holding facility" – staff prefers the trees to be relocated to their final location on-site.
6. A minimum of one tree is required every 30 lineal foot, or fraction thereof, of façade width (3 palms = 1 tree).

LA Fitness (#1041 - #1043):

- a. Eight trees are required along the eastern landscape pedestrian zone – two trees have been provided. ***Waiver requested; staff has no objection to waiver request. If required tree count is not met staff requests mitigation for code required trees.***

BUILDING DEPARTMENT: No objection to the site plan.

POLICE DEPARTMENT: No objections; applicant has addressed all security concerns.

FIRE DEPARTMENT: No objections as to these requests with the confirmation that the Fire Department comments of April 23, 2013 were satisfactorily addressed by attached applicant letter of April 29, 2013. The applicant and/or owner are aware that conditions may arise upon review of all required permitting plans.

UTILITIES: No objection to the approval; however, the following comments apply:

1. Prior to a Building Permit 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 if required.
 - Utilities Agreement must be executed.
 - Utilities Performance Bond must be posted.
 - Utility Easements must be executed.
 - Utility Inspection fees must be paid.
 - Capacity Charges must be paid in FULL.
 - Contact: Danny Pollio if you have any questions, 954-797-2159.
2. Must provide receipt or check copy for \$2,000 deposit marked for Utilities Expenses to project cost recovery account.
3. Show all existing water and wastewater facilities on site plan.
4. Show all new and existing water and sewer lines and easements on landscaping and drainage plan.
5. Maintain all utilities and utilities easements for water and wastewater system access.

6. Full Utilities plan review and approval is required prior to permitting. No plans are for construction until marked "FINAL" conditions may arise upon review of all required permitting plans.

O.P.W.C.D.:

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

WASTE MANAGEMENT: No objections.

EXHIBIT "A"

Sec. 27-768. – Standards for granting of conditional use approval permits.

The City Council shall grant conditional use approvals upon finding that a preponderance of the evidence of record supports such proposed use where:

- (1) The applicant/developer submits a site plan for the parcel on or within which the conditional use permit is sought which correctly reflects ingress and egress to such use, the landscaping, parking, buffering, etc. of the surrounding property from such use and depicts the exterior elevations of any structure to be erected, including the materials to be utilized thereon, so as to establish same to be architecturally in harmony with the surrounding property. Unless waived by the City Council, no conditional use approval shall be considered without such binding and buildable site plan accompanying same to allow the Council to determine the architectural features and buffering needed to protect the surrounding property and so as to allow the City Council to evaluate the proposed use's compliance with the remaining criteria hereafter set forth.

Applicant Response: In conjunction with the conditional use application, the applicant has submitted a binding and buildable site plan for approval that specifically addresses all of these criteria. The applicant is not seeking speculative approval but has definitive plans to go forward with the LA Fitness health club facility and the bank with three drive-thru lanes. The site plan specifically addresses ingress and egress, landscaping, parking, buffering and the like. The package also includes detailed elevations depicting architectural features. This conditional use application is submitted in response to the staff report issued in response to Application Number PP13-0002, site plan, elevations, and landscape plan for Market on University.

PZED RESPONSE: The site plan as presented is not buildable as it does not meet zoning and landscape code requirements. The applicant has requested numerous waivers.

- (2) The proposed conditional use will be consistent with the general plan for the physical development of the district including any master land use plan or portion thereof adopted by the Council.

Applicant Response: The proposed conditional uses will be consistent with the general plan for development of the district. Although there is a bank with a drive-thru facility on the immediate southeast corner of the subject shopping center, there are no other bank facilities anywhere nearby on either University Drive or Peters Road. The bank would be replacing an Applebee's restaurant of approximately the same square footage, with the drive-thru lanes replacing a portion of the restaurant parking.

Previously there was a small women's only health facility in a bay on the northern side of the shopping center that was very popular. This small fitness facility did not fit in with the long term plans of the shopping center, but was entirely compatible with the use and development of the center. The proposed LA Fitness health club facility will replace the vacant Office Max and office component of the center, and is more compatible and appropriate with the retail center.

PZED RESPONSE: The proposed use is consistent with the Midtown Plan in that it introduces a recreational amenity compatible with a live/work/play district.

- (3) The proposed conditional use will be in harmony with the general character of the neighborhood, considering population density, scale and bulk of any proposed new structures, intensity and character of activity, traffic, and parking conditions, and number of similar uses. The Council must find from a preponderance of the evidence of record that for the public convenience and service a present need exists for the proposed conditional use for service to the population in the area considering the present availability of such uses to that area and such area's existing development. Further, the use at the proposed location must be found to not create a traffic hazard or traffic nuisance because of its location in relation to similar uses, necessity of turning movements in relation to its access to public roads or intersections or its location in relation to other buildings or proposed buildings on or near the site within the neighborhood and the traffic pattern from such buildings or by reason of its location near a vehicular or pedestrian entrance or crossing to a public or private school, park, playground or hospital or other public use or place of public assembly. Where such use involves heavy on-site vehicular traffic ingressing or egressing from adjacent roadways or is deemed a trip generating use, a traffic analysis shall be submitted by the applicant with suggested means of ameliorating such traffic impact on the surrounding property and the neighborhood.

Applicant Response: As indicated in the applicant's responses to #2 above, the applicant believes there is a need for a bank with drive-thru facilities since there are no banks whatsoever on Peters Road other than the one in the same center at the corner. Further, there are no banks nearby directly accessible from University Drive. The bank is certainly in harmony with the shopping center and will require less parking than the Applebee's restaurant. The proposed health facility will be in harmony with the general character of the neighborhood and will be an attractive amenity for the surrounding neighborhood in that there are no nearby health clubs whatsoever. The scale and size of the proposed health club facility is in harmony with the remainder of the shopping center and the proposed use will not overburden the traffic and parking conditions of the center.

PZED RESPONSE: The proposed uses are generally consistent with the size, scale, and bulk of nearby buildings. No market study has been provided documenting the demand for the proposed sportscenter or bank.

- (4) The proposed conditional use will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding property, or the neighborhood and will cause no objectionable noise, vibration, fumes, odors, dust, glare or physical activity.

Applicant Response: Neither the health club nor the bank drive-thru should cause any objectionable noises, vibrations, fumes, odor, dust, or glare, or in any way be detrimental to the use and peaceful enjoyment or economic value of the property and surrounding neighborhood. Virtually all of the property surrounding this facility is already developed or is in the process of being developed, so these proposed changes should only enhance the ongoing development.

PZED RESPONSE: Staff generally agrees that the use will not be detrimental to the surrounding area. However, if sufficient on-site parking is not available during peak periods, customers may park in the adjacent property owner's parking lot.

- (5) The proposed conditional use will not adversely affect the health, safety, security, morals, or general welfare of residents, visitors, or workers in the neighborhood.

Applicant Response: Neither the health club facility nor bank drive-thru will adversely affect the health, safety, security, morals, or general welfare of residents, visitors, or workers in the neighborhood. Rather, both should be an enhancement to that general welfare.

PZED RESPONSE: See response to No. 4.

- (6) The proposed conditional use will not, in conjunction with existing development in the area and development permitted under existing zoning, overburden existing public services and facilities, including schools, police and fire protection, water, sanitary, sewer, public roads, storm drainage, and other public improvements and will not create a hazard by virtue of its site and location to residents, visitors, or workers in the neighborhood.

Applicant Response: Neither the health club facility nor the bank drive-thru should overburden existing public services and facilities. Both are replacing other existing uses and should generally offset the parking and traffic burdens generated by those facilities.

PZED RESPONSE: The Utilities Department has identified issues that shall be addressed in the construction plans prior to issuance of any permits. See Utilities Comments.

- (7) The proposed conditional use shall meet all other specific standard which may be set forth elsewhere in the Code of Ordinances for such use.

Applicant Response: The conditional uses will meet all other requirements of the City of Plantation Code, and this application is submitted in conjunction with the site plan, elevations, and landscape plan previously submitted and reviewed at the staff level.

PZED RESPONSE: The site does not meet Zoning and Landscape Code requirements as numerous waivers are required.

- (8) The proposed conditional use shall disclose the square feet of use sought for approval so that an adequate evaluation can be made of the conditional use in keeping with the standards and criteria of this article. Should any conditional use seek to expand in size, the extent of expansion shall undergo conditional use review as provided in this article XII, except as otherwise provided by the provisions of article III, division 3 of this chapter.

Applicant Response: The exact square footage and location of each proposed conditional use is found in the accompanying site plan, elevations, and landscape plan application previously submitted to the City.

PZED RESPONSE: Addressed in site plan comments.

Mr. Leeds advised that the applicant has presented a redevelopment plan that includes removing the Office Max and reconstructing a new 45,000-square-foot sportscenter, LA Fitness. The applicant has also requested conditional use approval to allow a drive thru bank facility but we do not have a lot of architectural details on that. He recommended that a conditional use not be granted until a site plan is approved. He is uncomfortable with granting site plan approval before the use has been approved. He would like to have that item deferred. One issue is that conditional uses require market studies and it has been suggested that the market studies be provided. The applicant has chosen not to; he does not believe they are necessary and he has requested a waiver to that effect. The primary issue is that this is a redevelopment opportunity; this center is not doing well; however, there is a concern about parking. The applicant has submitted a parking study based on a shared parking concept where some uses are busy during times of the day that other uses are not. Office uses generally become closed down at around 5:00 p.m. or 6:00 p.m.; the occupancy is low. At that time the restaurant use may blossom, particular on Friday and Saturday nights to a lesser extent on Monday through Thursday nights. There may be busier activity throughout the season than normally seen. Staff has looked at the applicant's traffic study and agrees with the shared parking concept; however, there is an issue with a couple of assumptions in which the parking study is based.

In response to Councilman Levy, Mr. Leeds indicated that the Applebee's is proposed to be developed as a bank. The Office Max box, which has been empty for a while, will be demolished and replaced with a LA Fitness. Carrabba's restaurant will actually expand their indoor dining area to the east and there are at least one or two new restaurants that total about 6,000 square feet.

Councilman Levy commented that he received calls when people found out that Applebee's had closed.

Mr. Leeds stated that they understand the shared parking analysis; they are not disputing that. As redeveloped, 60% of the shopping center will be 120,000 square feet and will be high demand parking uses. There is an issue that 20,000 square feet of the restaurant is existing and is grandfathered in at a parking standard of 1 to 225 or roughly 4.4 spaces per 1,000. They are allowed to do that and they have plugged that into the Urban Land Institute Shared Parking Analysis. Based on the assumptions for the existing restaurant, staff does not believe that there will be enough parking in this shopping center at certain peak periods; not 100% of the time but at certain peak periods. There is also an issue where 40% of the shopping center parking field is located behind Publix and behind the office building that is up against Pine Island Road that has a sign that says Prudential. The applicant has attempted to make this accessible and inviting to the public and he has even installed an approach; a pedestrian and a vehicular access from the rear parking area to the LA Fitness so the LA Fitness will be accessible to the front and also to the back. It is unknown whether that parking area will be the preferred choice or the secondary choice. Staff cannot support the parking waiver; they believe there is going to be insufficient parking at certain times. It is up to Council to decide what is more important. One reason they cannot support the parking waiver is because if people go to Carrabba's and do not want to park in back but it is a busy night for the gym, so they park at Publix. Staff does not want to make a recommendation that may result in that behavior. Planning staff does not support something that could result in people's cars being towed and trespassing, which is more of a legal issue.

Attorney Bill Laystrom, was present on behalf of the applicant. They have attempted to come up with a redevelopment plan for the entire shopping center. He mentioned connectivity and the ability in the Midtown to begin to connect sites along the way. With each site that has come in addresses connectivity in its own way as one piece and now the overall plan will be put together to tie them together. In this instance they have created a pedestrian path that basically runs north and south through their property. They have also added a connection between their property and the Crossroads property, the office building to the rear, because he believes they will be using the LA Fitness as well. That connection would also be used if the Stiles residential project is

approved. Staff has requested that they tie into The Fountains from their side by adding a pedestrian crosswalk along the SW 10th Court corridor, which they are in agreement to. With regard to parking, they studied three LA Fitness centers then loaded in the bank traffic, the Carrabba's traffic and some outdoor seating. Next, they looked at the shared parking because there will be offices that will be open basically Monday through Friday between 9:00 a.m. and 5:00 p.m. There are also offices in the Carrabba's wing as well as doctors offices and the LA Fitness. They calculated what the LA Fitness draws and even at the peak hours, this project meets or exceeds the parking requirements necessary for this facility and that is without the Publix parking. They believe there is sufficient parking. He noted that this LA Fitness is replacing the one in Davie. The reason he has asked for the conditional use is because he can solicit a bank to go to the site. He still has to have site plan approval; he has not asked to have that waived. At least they would have the conditional use approval and they would use a bank footprint of a bank they have used in the past. The bank offers an opportunity for the shared parking versus the Applebee's that was there before. There are a series of waivers from #2 through #9 that are the standard SPI-3 waivers. They have a shopping center that they are trying to redevelop; they are not doing a build to the edge of the road type development and that is why they have asked for the waivers on all of the other shopping centers that he has redeveloped. They also have a series of landscape waivers; however, landscape staff has no objection to those waivers and they agree with their comments and in getting a waiver they have to provide the appropriate mitigation under code.

In response to Mayor Bendekovic, Mr. Laystrom clarified that they are all right with the materials for connectivity. Brick is on the columns for the LA Fitness; their design is a more modern design. In the past the City has always pushed for the red brownish brick look and to them it did not look appropriate. They will work with staff to come up with an alternate.

Mr. Leeds commented that if this is approved there are conditions that they are to use flagstone where they are taking down the brick on the columns of the Carrabba's center or some quality alternative and also on the columns that will remain where the Dragon Buffet is and that area; otherwise, it is just stucco. There are also conditions relating to pedestrian interconnectivity that he inserted after discussion with Councilman Zimmerman. One condition needs to be addressed prior to CO and the other issue is that he has not reviewed this with the City Engineer to see if it meets all of the safety criteria for crossing. It is in the staff comments. If Council chooses to recommend approval of this project, he requested that it be in accordance with staff comments because they do address a number of your concerns.

Motion by Councilmember Stoner, seconded by Councilman Jacobs, to approve Item No. 26, granting all of the waivers and subject to staff comments. Motion carried on the following roll call vote:

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

Councilman Zimmerman preferred to defer the item so there could be discussion.

Mr. Leeds requested clarification if the Council approved the conditional use for the bank.

Mr. Lunny replied yes.

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COUNCILMEMBERS' COMMENTS

Councilman Fadgen wished everyone a Happy Labor Day.

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Councilman Levy wished everyone a Happy Labor Day and Rosh Hashanah.

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Mayor Bendekovic made the following announcements:

- The September 12, 2013 City Council meeting is not going to be on Wednesday night, it will be on Thursday night.
- She thanked the Plantation Chamber of Commerce; we had one of the best speakers at the Economic Summit.
- She cautioned everyone about phone calls stating that the City of Plantation is conducting a survey and clarified that the City of Plantation is NOT conducting any surveys. If anyone gets one of these calls she requested that they share the information with her.
- The City of Plantation is closed on Labor Day.

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PUBLIC REQUESTS OF THE COUNCIL CONCERNING MUNICIPAL AFFAIRS

Dennis Conklin, resident, was present. He mentioned agenda Item No. 20 and stated that the City is going through the same thing over and over each year. The City has a long term systemic shortfall and the entire procedure has to be changed. He urged Council to change the system. He believes that the City needs to go to a four-day week with eight-hour days for a 20% reduction.

He stated that three State Representatives have come to the Council meetings to address the City, which he believes is important. He requested that we encourage the State Representatives to look at the Constitutions Article V dealing with amendments; there are two ways to do it.

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SEALED COMPETITIVE SOLICITATIONS – None.

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WORKSHOPS – None.

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Meeting adjourned at 11:30 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 _____, 2014.

Susan Slattery, City Clerk