

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

May 28, 2014

The meeting was called to order by Councilmember Lynn Stoner, President of the City Council.

1. Roll Call by City Clerk:

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

Absent:

Councilmember: Jerry Fadgen

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2. The invocation was offered by Mayor Bendekovic.

The Pledge of Allegiance followed.

3. Approval of Minutes of Meeting – March 26, 2014.

4. Approval of Minutes of Meeting – April 9, 2014.

5. Approval of Minutes of Meeting – April 23, 2014.

Minutes of the Regular Meetings of March 26, 2014, April 9, 2014 and April 23, 2014 were approved as presented.

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ITEMS SUBMITTED BY THE MAYOR

Mayor Bendekovic thanked the Police Department, Fire Department and the Parks and Recreation Department for a memorable Memorial Day Service.

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Pat Hind and Barbara Grayson of the Plantation Woman’s Club were present. They presented the following gifts:

- \$8,705 to the Parks and Recreation Department.

Jim Romano, Parks and Recreation Director, thanked the Plantation Woman’s Club.

- \$7,600 to the Public Works Department.
- \$15,000 for the fountain at Volunteer Park.

Ed Consaul, Public Works Director, thanked the Plantation Woman’s Club.

- \$2,000 to John Feeney, Curator.

Mr. Feeney thanked the Plantation Woman’s Club.

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Mayor Bendekovic introduced Tom Harrington, member of the Parks and Recreation Board.

Mr. Harrington mentioned the success at Pop Travers Park when it comes to Girls Fast Pitch Softball. There are a number of young ladies who are afforded college scholarships due to fantastic facilities and superior coaching. He introduced Coach Rick Waldorf and Coach Bob Stevens of the Plantation Pressure 18-year-old Girl Team.

Coach Stevens indicated that he is the Assistant Coach College Liaison Coordinator. They play in college showcases all over the country and it is his job to speak with the college coaches. He represents these girls and this team and any further communication that goes to the girls runs through the organization.

Coach Waldorf stated that he has been coaching for 17 years. For the last four years they have succeeded every senior honor roster and offer to play in college. He acknowledged recent graduates and recognized the girls of the team.

Councilmember Stoner and Mayor Bendekovic congratulated all of the ladies.

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Mayor Bendekovic presented Service Awards to the following Employees:

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|---------------------------|--------------|----------|
| *Sergeant Rudolph Brown | Police | 25 years |
| *Officer Christian Martin | Police | 25 years |
| *Officer Deanna Saunders | Police | 25 years |
| David Wilson | Public Works | 25 years |
| Charles Dragone | Public Works | 20 years |
| *Andrea Hanlon | Police | 20 years |
| *Carl Singh | Police | 15 years |
| *Willie Baker | Public Works | 10 years |
| Johnnie Knox III | Public Works | 10 years |
| *Anthony Pezzella | Utilities | 5 years |

*Unable to attend.

Congratulations were offered.

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Mayor Bendekovic made the following announcements:

- Representatives will be available at the Broward County Property Appraiser's Community Outreach Event at the Broward County Government Center at 1 University Drive. It will be on Wednesdays in June between 12:00 p.m. and 2:00 p.m.
- The Summer Reading kick off will be on Monday, June 9, 2014 between 7:00 p.m. and 8:00 p.m. at the Helen B. Hoffman Library.
- The Father's Day Buffet will be at the Plantation Preserve Golf Course on Sunday, June 15, 2014 between 10:00 a.m. and 2:30 p.m. Reservations are suggested.
- The 17th Annual Wine, Jazz and Taste of Plantation will be on Saturday, June 28, 2014 at the Renaissance Plantation Hotel.
- The Fire and Safety Health Expo will be on Saturday and Sunday, June 28 and 29, 2014 at Pine Island Park between 9:00 a.m. and 4:00 p.m.
- The Parks and Recreation Department are looking for local businesses, groups, individuals and organizations to participate in the Independence Day Parade on Friday, July 4, 2014 at 9:00 a.m. The deadline for entries is Friday, June 20, 2014.
- The Plantation Farmer's Market is every Saturday at Volunteer Park.
- Friends of the Library, Plantation Historical Club and the Woman's Club will have an informational meeting about a trip to France at the Museum on Saturday, May 31, 2014 at 2:00 p.m.

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CONSENT AGENDA

As a Commissioner of the CRA, Mayor Bendekovic has a voting privilege on Item No. 15.

Mr. Lunny read the Consent Agenda by title.

6. Country Club Circle Trail Lighting Upgrade – City Project No. 14-02 – Trail Lighting Installation. (Engineering)
7. Request for authorization to exercise/execute the FIRST of two (2) TWO (2) year renewal options with Pump Station Maintenance Services, LLC in accordance with City of Plantation RFP No. 066-12 “Lift Station Maintenance & Monitoring” contract. (Budgeted – Utilities)
8. Request for authorization to execute a contract with Harn R/O Systems, Inc. to furnish and deliver Avista Technologies Vitec 5100 Scale Inhibitor for \$3,550.00/per 250-gallon tote in accordance with City of Plantation ITB No. 020-14. (Budgeted – Utilities)

Ordinance No. 2504

9. **ORDINANCE** Second and Final Reading of an ordinance of the City of Plantation pertaining to the subject of indemnification; updating the provisions of the City Indemnification Law to expand its scope, clarify its procedures, and require reimbursement under certain circumstances; providing a savings clause; and providing an effective date therefor.

Resolution No. 11877

10. **RESOLUTION** assessing a lien on certain property for the cost to the City of its removal of a sunken boat. (5781 SW 18th Street)

Resolution No. 11878

11. **RESOLUTION** of the City of Plantation approving that certain major accounts agreement between ADP, Inc., and the City regarding Human Resources Services; providing a savings clause; and providing an effective date therefor.

Resolution No. 11879

12. **RESOLUTION** approving the Expenditures and Appropriations reflected in the weekly Expenditure Report for the period May 8, 2014 through May 21, 2014 for the Plantation Gateway Development District.

Resolution No. 11880

13. **RESOLUTION** approving the Expenditures and Appropriations reflected in the weekly Expenditure Report for the period May 8, 2014 through May 21, 2014 for the Plantation Midtown Development District.

Resolution No. 11881

14. **RESOLUTION** approving the Expenditures and Appropriations reflected in the weekly Expenditure Report for the period May 8, 2014 through May 21, 2014.

Resolution No. 11882

15. **RESOLUTION** approving the Expenditures and Appropriations reflected in the weekly Expenditure Report for the period May 8, 2014 through May 21, 2014 for the City of Plantation's Community Redevelopment Agency.

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

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

Note: Mayor Bendekovic voted affirmatively on Item No. 15.

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ADMINISTRATIVE ITEMS

16. PLANTATION COMMUNITY CENTER PRESENTATION.

A memorandum dated May 22, 2014, to Diane Veltri Bendekovic, Mayor, and the Members of City Council, from Danny Ezzeddine, AIA, Director of Design, Landscape & Construction Management, follows.

Pursuant to direction from Council in its meeting on March 12, 2014, I am requesting to place the design presentation for the Plantation Community Center to Council by Synalovski, Romanik, Saye, architects, as an administrative item.

Mr. Ezzeddine introduced Manny Synalovski and Merrill Romanik, architects for the project.

Ms. Romanik explained that Kennedy Park houses quite a few tennis courts for the community's use and a wonderful playground area for the children that was developed about four years ago. Immediately to the east was the original structure, which was a unique structure. They are proposing a structure to replace that. The existing survey shows parking along the south side, a roundabout as you enter a service drive that loops to the back and utilities in the rear. They wanted to have continuity in their design concept with the Plantation Woods theme. They want a fluid connection to the play areas and the passive park areas to make sure they are engaged and embraced as part of the new facility. They want to preserve as many trees as possible and have positioned the building to do so. They hope the forms and shapes of their structure are in spirit with the natural elements throughout the park. They want to foliate the environment and make sure that their structure appears that it floated in and became part of the landscape.

Councilmember Jacobs mentioned the photos on the bottom left and the butterfly and questioned if that is an artist rendering.

Ms. Romanik noted that it was an image of a concept they wanted to try to engage and embrace. They are trying to bring the elements of nature to the architecture itself. The site plan shows that you will turn right when entering the Center and there will be a drop off loop. Then there is a center spine, which actually looks like a butterfly. There is a direct connection with the parks and when the summer camp programs are in session the kids can filter in and have connectivity back and forth. They are proposing to meet the budget of \$1.8 million for the facility, which has been identified as 10,620 square feet. When walking under the porte-cochere there is a lobby space that is voluminous and has light coming in from above. There is also a cross spine that gives tremendous connectivity and support to staff to make sure that visibility is good no matter where you are standing. There is an administrative presence immediately when you walk in at the reception desk and there are administrative offices off of the lobby. Upon arrival someone is always available to meet, greet and assist. The receptionist position can see all the way down the cross spine and out the doors leading to the east and west. There is a game room, a cardiovascular workout room, two meeting rooms that are 875 square feet for multipurpose functions and the other amenities are service space and storage, restrooms and vending machines. They feel confident they can bring the structure in for \$1.79 million. There was a concern that a little more room may be needed when it comes to the meeting spaces and storage spaces. They looked to add square footage and basically they extended the swing or the arch to the north so a little space would be gained. The building itself would then be 12,500 square feet. A third meeting space was added. There are folding walls in between the cardiovascular room and the meeting spaces, which provides flexibility as needed. Additional storage space was also added. The budget for the 12,500-square-foot puts the cost at \$2.077870.

In response to Councilmember Jacobs, Ms. Romanik stated that the game room will be similar to Jim Ward Community Center; there will be ping pong and pool tables.

Mr. Romano indicated that they are very pleased with the design work; they did a great job putting this project together. They are happy with either size. His concern when looking at the rooms is that he would like to have as many break out rooms as possible. During camp the children are put into different age groups; therefore, more break out rooms are needed in order to divide the children on a rainy day. It also allows flexibility so if they want to show a movie or something else there will be plenty of room for the kids to meander and be inside the building. He is concerned that with the small footprint there will not be that built in flexibility. When looking at the programs that we had at the Plantation Community Center, there were 16 groups using the facility. If we are going to build a new facility he hopes that all of the needs of the community will be taken into consideration from every day during the week with the Homeowner's Associations and also accommodates the needs of the campers that will be utilizing the facility during the course of the summer camp program.

Mayor Bendekovic commented that this looks like it is very futuristic and it seems that it does not go with the ambiance of that corridor. She expressed concern with the back wall that is completely glass. That means storm shutters and heat.

Councilmember Stoner noted that there are no soft edges and it does not look welcoming.

Councilmember Jacobs stated that the glass is at the northern exposure.

Ms. Romanik indicated that the glass is rated and it will be tinted for shade color, efficient to handle the heat load.

Mayor Bendekovic mentioned the slanting of the building and noted that there seems to be a lot of valleys. She questioned if that is the way the water will flow when it drains. Most leaks seem to come from valleys.

Mr. Synalovski advised that the building is virtually on its glazed side facing north. That was an opportunity they thought they might not have elsewhere. In terms of where the bulk of the glass is occurring; it is occurring exactly where you would want it to occur, on the north side, where you get pure clean light and you do not get the heat you would get on the east or west sides. He assured that the bulk, if not all of the glass, north facing is not going to get heat gain; it is going to get very clean and the type of light that they want. These are spaces that are intended for enjoyment of the users and one of the forgotten elements in terms of space is natural light. The moment you shed natural light in a space, the space gets another dimension in terms of quality of that space. All of the glass, no matter which solution, the lesser or larger one is all missile pet glass. In terms of shutters, it is never the intent in this building for you to have to worry about shutters. Not only is the glass missile impact; all of the systems protect the interior. In terms of its futuristic look, which is traditional classical Plantation, this was an effort to move in a different direction purposely. Upon visiting the park it was felt that the park itself was so different and whimsical that to place a building more traditional was somewhat of a contradiction. It was felt that this building could be a sense of order and play; it is a very organized building. It is quite symmetrical in the way it is laid out and very responsive to a very balanced massing. They know how to do the traditional Plantation look and this was purposely done to take that look in a different direction. If that is the desire of this Council they will come back and see what this building will look like in a very formal and traditional Plantation style. As it relates to the rooflines, the rooflines are very different. If you want to be a safe on a roof make it a volume roof, shed it in two directions and hope you are not going to leak. They carefully studied these roofs and how the water is going to move within those plains. They are moving within the building but with a series of crickets and elements used on the roof there is no reason to think that this is a

leak waiting to happen. It is all about the design detail and ultimately it is all about the installation. They spent a lot of time looking at the constructability issues and pricing them. Knowing that the budget is \$1.8 million regardless of what they have in funding; that is why the building is 10,620 square feet and not larger. They wanted to make sure what they presented was very buildable and did not have operations or maintenance issues in the future. This is a departure from other park building in the City. They are the architect of record of Jim Ward Community Center, Volunteer Park and the Police Station. The question is whether this is an opportunity to not only be playful and to a certain degree, be as playful as the building that was there. The building that was there, even though it was demolished, had certain unique characters. That building was different and survived a significant amount of generations so why wouldn't we come back with a building that would be different and very compatible with the park and the remainder of the campus. They were not expecting that the traditional style was an expectation but if that is so they are here to serve your direction.

Councilmember Stoner questioned what is on the top level.

Mr. Synalovski indicated that spine is at the entry. When you walk in and are in the center lobby area there is a tall roofline and a tall ceiling. It is called a lobby but it is pre-function or post function. Besides the space being wider it is actually taller, not only in height but taller in terms of glass for natural light into that space.

Councilmember Stoner mentioned the photograph taken of Plantation Woods and noted that there is no compatibility between the existing and what was designed as the exterior elevation. She is offended by the word traditional in the sense that you can make anything a little playful and add other elements to it. Maybe she does not like having all of the facilities look exactly the same but it is recognizable. The City is basically down to the last couple of Community Centers and if some people get their way there will be one on the south side at some point and time. There is something to be said; we have the Historical Society Building, we have the library, the tennis courts and then this and all of a sudden we have a different type of building. There is a trail along there that has connected everything and there is a disconnect in her opinion with this exterior elevation. She questioned if the multipurpose aerobics room going to have workout equipment or if it is going to strictly be for class type situations.

Mr. Romano advised that it would be for classes. There is a workout area outside; there are six or seven workout stations outside for the parents while the children are playing. This is a new trend in Parks and Recreation.

Councilmember Stoner commented that she is all for new trends but she is not doing her cardio outside.

Mr. Romano noted that in the past they were put on the path and now the concept is to put them in a circle in an area so while the children are playing the parents can do some cardio. The inside room for aerobics and other programs will be more flexible and more multipurpose; we will be able to get more use out of that room because of the flexibility.

Councilmember Stoner questioned if the restrooms would be a better flip with the admin and storage closet to keep it nearer to the multipurpose room.

Mr. Romano stated that the restrooms would be centrally located.

Councilmember Jacobs questioned if there would be staffing requirements between the two different size buildings; a heavier burden in the larger building.

Mr. Romano replied that the staffing would be the same whether it is the small building or the larger building. They will be open six days a week and the hours will be the same; 8:30 a.m. until 9:00 p.m. or 10:00 p.m. The only thing we get with the smaller building is a little less flexibility to accommodate the needs of the community. Some of the organizations that used to meet at the Community Center moved to other facilities and they are happy. Anytime a new building opens people tend to gravitate to it. He is stuck on the flexibility with having at least three meeting rooms and the workout/exercise room versus two meeting rooms.

Councilmember Jacobs commented that in both plans the whole back side can be opened into one large room. He noted that he might have a concern with the lobby windows facing south, as it may be hot.

In response to Councilmember Jacobs, Mr. Synalovski thinks that Council should decide the size of the building because they will either stay at \$1.8 million or go to \$2.1 million. He thinks that decision is important because they need to finalize that in order to move forward. Decision #2 would give direction on the vocabulary because they would like to show a different look if that is what they are directed to do. Size and cost is one direction and the second is consensus on the vocabulary. He thinks those are the only two things they are looking for at this time.

Councilmember Jacobs stated that he is going to need some financial consultation to make that decision.

Mayor Bendekovic advised that it comes out of the bond and we have \$2.1 million left in there. The direction we were given was \$1.8 million but \$2.1 million was set aside. That is what was projected in the beginning. The money is there for that use if you want the larger building.

Councilmember Stoner commented that we have \$2.1 million but questioned where the \$500,000 is coming from.

Mayor Bendekovic indicated that would come from capital; that is a capital improvement.

In response to Mr. Romano, Councilmember Stoner commented that if we get the larger building the furnishings come off.

Councilmember Levy agreed with the traditionalists. He thinks that Plantation is known for its brick and even our colonial structure; all of the entrances have a brick theme. Brick does not require as much maintenance as other materials. He believes putting more into the façade and making it more traditional with the line of buildings that we have, including our Fire Station, Police Station, Museum, and Library. He does not see having all of these traditional buildings and all of a sudden having a butterfly. He understands the want to be playful but he also believes in style, tradition and the fact of what makes Plantation special. He believes in keeping that style because it signifies our City over any other City in Broward. He does not want to be homogenized he wants to be traditional brick Plantation solid value.

In response to Mayor Bendekovic, Councilmember Levy likes the driveway with the porte-cochere.

Councilmember Zimmerman stated that he likes the design. He thinks there is room for tradition but because of the park there is an opportunity to do something more and to give a little more architecture to a building than just brick. He thinks we can bring brick into it and maybe there is a traditional element or two that can help do something. He believes that the building should stand on its own; he thinks it should be what it is. The functions within the building should shine through the architecture of the building. Looking at this building you can see where the meeting rooms are, you can see the entrance. He likes the architecture. He understands the

point of getting some more meeting rooms; perhaps the aerobics room can have a moveable partition. He is not sure that we have the budget to enlarge the building. His biggest concern of the project is the budget; it is \$166 per square-foot; in today's market that is not going to happen. Buildings are coming in at \$300 per square-foot. Understanding this is a simpler building; the open space; open rooms and no high end finishes, but there is an architecturally designed building. There are many roof levels; there is a canopy, and the inherent building elements, all the glass, all the impact store front. He has strong feelings with the \$166 per square-foot. At \$300 per square-foot he thinks we would be at \$250 per square-foot just for the building and he does not know how much site work there is. Being that concerned about the budget at this point he would be very concerned about how large the building is. It is the architect's job to cost estimate the building; he does not know if Council can answer the question of how big the building should be. They can answer that they have a budget and that is the budget; how much building can we build for that budget? He thinks even with the \$2.1 million design fees come out of that and that is how we ended up at the \$1.8 million or \$1.9 million. He likes the building and thinks it has a lot of good character.

Mr. Synalovski believes the answer is simple; they need Council to reaffirm whether the budget is \$1.8 million or higher and they agree that it is their responsibility to design a building to a budget and they presented two options that they really do believe may be built for the dollars. He also stated that the difference between one budget and the other on a square-foot basis is less because there are some initial costs that you benefit as the building gets larger. They would rather see a budget of \$2.1 million rather than a budget of \$1.8 million. If you say that the budget is \$1.8 million they will deliver a set of documents so that when the bids come in they will be at \$1.8 million. The reality is that you can have a bigger building for less money. If that means that the building needs to be smaller it will be smaller. He has counted 3/2 classical traditional versus what they proposed.

Councilmember Stoner liked Councilmember Zimmerman's phrase of incorporating a little more traditional elements; she does not necessarily need a completely brick building. She thinks there should be some continuity with the other. She questioned what the roof material will be.

Councilmember Levy commented that is what he meant.

Mr. Synalovski advised that their intent was for the roof to be a TPO; it is basically a polyvinyl; a seamless membrane, so there is no joint other than when it turns direction. When it turns there is a particular detail that literally turns up and that is why they believe that the TPO is the right material for this type of roof.

In response to Councilmember Stoner, Mr. Synalovski replied that they have installed it on other buildings.

Mr. Ezzeddine stated that they just installed that at the energy efficiency building and it is a great system.

Councilmember Stoner questioned if this building would qualify for any of the LEED certifications.

Mr. Synalovski indicated yes and no. Yes because they want the building to be very sustainable and have made certain decisions as to where the glass is and the reuse of site and infrastructure that would qualify it. No because the cost, which is primarily an administrative cost to get this building certified, is not in their budget. In terms of reducing energy consumption, reducing water consumption, using recycled materials and reusing the site to its greatest capacity; those are all very sustainable decisions that have been built into the design. They have not spent the money in their budget to say they are going to register and certify this.

Councilmember Zimmerman tends to agree; the cost to certify is a lot. He spoke a little with Mr. Lunny and Mr. Ezzeddine about some Florida State Statutes requiring municipal buildings, all to be some green standard. He questioned if they have looked at that.

Mr. Ezzeddine stated that there is a clause in the State Statute about municipal buildings, County buildings and State buildings that can apply. It says to comply with the requirement of meeting Building Codes, which is going to be implemented this year in the new code from the ICC; the Florida Building Code is going to adopt that.

Mr. Lunny advised that he would clip it and send it; the language is not exactly what Mr. Ezzeddine said. We are aware of it and he would be happy to circulate it.

Councilmember Jacobs commented that unless Parks and Recreation says there is no demand for the bigger building it makes sense that we go with the bigger building looking into the future.

Mr. Romano agreed. The building is hopefully going to be here between 30 and 50 years and he thinks in order to provide the best facilities, which we typically do in our City, is to meet the community needs not only for the day to day meetings but also to accommodate the children who attend our camp programs in the City. He cannot explain how important the extra break out room for the camps just to separate the children and allow the ability to eat lunch in a small group without having competing age groups over one another.

Councilmember Zimmerman questioned if we know the square footage of the old Community Center versus the square footage of this.

Mr. Romano advised that the old Community Center was approximately 8,000 square feet but it was built in break out rooms so there were four meeting rooms and a main hall with a courtyard in the middle. Even though it was about 8,000 square feet under air it was really like 14,000 square feet under the super structure.

Councilmember Stoner questioned whether camp involvement has stayed about the same even without the Community Center.

Mr. Romano believed that we are up to 500 or 600 participants. Plantation Woods has the playground and the water play area and it will be the number one camp in the City.

Councilmember Stoner commented that people in other Cities are bringing their children to the camps and the residents cannot get in the door.

Mr. Romano stated that is another story but we do charge them.

Councilmember Levy agreed with Councilmember Jacobs that we have to look towards the future. Once this is built it is going to get used. The greatest problem we had in removing the old Community Center were all of the groups and trying to find a place to position them temporarily as we promised. They may be happy where they are but not everyone got the same kind of a welcome. We have the \$2.1 million and if the architect says he can do it for that he is willing to say do it. The latest evaluation of our assessment value went up and according to the Broward County Property Appraiser our values went up 7% in Plantation to base our new tax rolls on so he thinks the crunch that we felt is easing. He sees this as a trend over the next few years and thinks we should go for the larger one when we can because it is definitely easier and cheaper to do it now than trying to retrofit in ten years.

Councilmember Zimmerman wants to be sure that we correlate both budget and square footage; the size of the building.

Councilmember Jacobs commented if there is a concern about the methodology he has no problem saying that the budget is \$2.1 million and build it to that. He knows Mr. Ezzeddine and Mr. Synalovski and thinks that they will do what they say they are going to do.

Councilmember Stoner mentioned that the \$2.1 million eats into the costs.

Councilmember Zimmerman indicated that we will have to find additional funds to pay for the design fees.

Mayor Bendekovic clarified that there is \$2.1 million; there is not another dime available.

In response to Councilmember Jacobs, Mayor Bendekovic advised that we cannot get it from somewhere else.

Dr. Caravella indicated that the \$2.1 million idea was that they would be ready for the furnishings in 2016 and that would be added to the capital budget. That was estimated to be about a half a million dollars.

Mayor Bendekovic stated that it would not be on this budget; it would be on next year's budget.

Councilmember Jacobs commented that it is a half a million for the furnishings and he questioned the cost of the design fees.

Mr. Synalovski replied that the design fees would be \$176,000.

Councilmember Zimmerman mentioned that we would be down to \$1.9 million.

Councilmember Stoner stated that increasing the building is an additional budget increase. She questioned how all of the new electronics have been budgeted.

Mr. Synalovski advised that there is a certain level of technology that they have budgeted in the solutions shown. He cautioned that part of the purpose of the building is to build community. He thinks we would be missing the point if we walk in the Community Center and everyone is sitting against the wall on their phone and doing what they do on whatever piece of technology everyone carries today. They are hoping by creating the right spaces and the right places they can engage the users of the building so community can be built. There is a certain level of technology included for what they understand is a use for the building and for what they understand other Community Centers provide in our County.

Councilmember Stoner commented that she wants to have the ability to plug in if needed.

Mr. Synalovski advised that there is enough technology and enough flexibility because even if they design to today's technology it is going to be obsolete by the time the building is completed.

Councilmember Stoner questioned whether Mr. Romano or someone can present a proposed budget to run the Center including debt service for the Bond, additional capital, etc.

Mr. Romano indicated that this is not set up as an Enterprise Fund. He did not calculate that part of the number but he has the number to run the facility.

Mayor Bendekovic mentioned that she wants personnel and staffing; we can have that information when it comes back.

Dr. Caravella stated that the debt service is \$2.1 million per year. Our total debt service on the refinancing of the rest of this Bond is \$2.1 million. She can do a calculation but it is the General Fund.

Councilmember Stoner noted that each thing has to carry its own burden. She does not want to be short sided and go for the smaller building when she thinks that in a very short period of time we can use that extra space. She also thinks that the City is still recovering economically along with the rest of the Nation and we have employees that have not had raises in four years and other things are on the table that need to be done. It is only a few hundred thousand dollars but we could use it for something in the City.

Councilmember Levy suggested that we take the \$200,000 we are saving from not doing the tram and put it towards this.

Councilmember Jacobs commented that \$2.1 million will cover everything except the fixtures and stuff like that and the \$2.3 million covers the design fees. He suggests that we make our budget \$2.3 million and since we do not have the money now we delay the project until we figure out whether we can get the money. We go into the next budget process and if we can't do it we put it off until the next budget.

Councilmember Stoner clarified that we basically need an additional \$200,000 plus the \$500,000. We are looking to find \$700,000.

In response to Councilmember Jacobs, Dr. Caravella stated that the bond money has to be spent in a total of three years.

Mr. Lunny advised that the requirement is at closing you have to have the good faith belief that you will spend the money within three years or there is a reporting consequence. It is not as if you are going to be in breach of your covenants if the money is not actually spent. When we closed we had that good faith intention and we still might.

Councilmember Jacobs really thinks we should try to figure out a way to do the bigger building.

Councilmember Zimmerman commented that the only difference between the two buildings is another meeting room. Maybe there is a way to design the building in such a fashion that we can have that extra meeting room as an alternate item in the bid to the contract so that we go ahead and design the building as large but we put that meeting room at the end of the building. We can design the bigger building and make it as part of the bid process to where we either add it or not. That way we can move ahead, see what the construction costs are and make that decision at that point and time.

Mr. Synalovski replied yes and no. The 2,000 square feet is not just the meeting room. It is hard to understand but the quarter that runs from east to west in the larger budget is actually more ample. They can attempt to add the meeting room at the end but he is not sure that they would get the best value than if they put out a set of plans showing what they are building and there may be reinforcing that theme. He wants to remind everyone that this is a community that has significant potential because you are talking about ten square blocks of acre plus lots and he would look at this as an investment and not as an expense. He thinks the additional investment in this particular community, in the terms of the opportunity for return, can be extraordinary because there are a lot of opportunities in this community for some significant home improvements and this could actually support

that. Councilmember Zimmerman is right, a series of added alternates to get to the number we want; the downside is that the law is that they have to be identified in order and if you want to add them you are stuck adding them in that order. Sometimes that might not be what we want. If the answer tonight is design to \$1.9 million with added alternates they can then sit with staff and identify exactly what their priorities and he believes that they will be bound to adding them in that order. They know that they owe Council another image with the traditional and classical Plantation elements.

Councilmember Jacobs says try to figure out a way for the big one.

Councilmember Levy agrees on the same thing. He mentioned designing the \$1.9 million and questioned if we can somehow add the additional \$100,000 into the design element and add a third with that.

Councilmember Zimmerman stated that \$1.8 million was the base.

Councilmember Levy is saying go to the \$1.9 million; let him have the extra \$100,000 and we still have the \$2 million for the design element and we come to the \$2.1 million, which we know we already have in the bank. If that can be done we are fine.

Councilmember Zimmerman commented that the budget would be \$1.9 million instead of \$1.8 million, which is not as much as the large one.

Councilmember Levy stated that is his suggestion.

Councilmember Stoner questioned what the \$100,000 gets us as far as space.

Mr. Synalovski believes the best value for the community is the \$2.1 million solution.

Councilmember Stoner noted that is \$166 per square-foot versus \$170 per square-foot.

Councilmember Levy reiterated that he would prefer the larger proposal.

Mr. Synalovski mentioned that the direction they would like is a budget figure. If you give that direction they will design to that number. From a value stand point he thinks that \$2.1 million is the best value.

Councilmember Jacobs commented that we have to add \$200,000 in design fees.

Councilmember Zimmerman indicated that there are a lot of other things the City needs and he is not ready to raise the budget.

Councilmember Stoner mentioned Councilmember Jacobs' comment that we address it as part of the budget. If we have the money we have the money and we don't we wait until the next budget cycle since we do not have any time elements that we are confined to.

Councilmember Jacobs noted that we need to pay Mr. Synalovski for his time up until now.

In response to Councilmember Stoner, Mr. Synalovski advised that they have started on the plans. They have completed a schematic design phase; we have floor plans, elevations and site plan.

Mayor Bendekovic mentioned the \$200,000 difference and stated that the \$500,000 for the capital will not be until the following budget year; we won't even include this budget year. When you are thinking \$200,000 to postpone it she is not saying that it is going to be there. She believes that you should move forward with this. The \$500,000 will have to be budgeted for the following budget year and it will be in capital improvements. Parks and Recreation will not get anything else but that for that budget year. She noted that one of her goals is raises; these employees have not had raises for four years. That will be brought before Council on July 9, 2014.

Councilmember Zimmerman commented that he is still in favor of staying within budget.

Mr. Romano indicated that he has been discussing trying to get some support through the local hospitals. Once this is all approved they plan on going to the hospitals and talking to them to see if they would be interested in sponsoring the exercise area. They can go to Xbox or Play Station and see if any of those companies would be interested in sponsoring the game room. They are hoping to pull in enough sponsorship dollars to help reach their goal of having this come in under the budget. He is not going to say that they will get \$200,000 but if they could come up with \$100,000 or \$80,000 that is what they will try to accomplish.

Councilmember Levy believes that if we decide to go to the larger then Council has to be dedicated to find a way to fund it whether it be cutting something else out of the budget or going out and asking for partnerships. If we decide to go bigger, which is the recommendation he is seeing, then he will dedicate himself to help find the money one way or another; whether through the budget process or through obvious other possibilities and other venues to make it happen. He feels that the people of Plantation deserve that.

Councilmember Jacobs was in favor of bigger and Councilmember Levy agreed.

Councilmember Zimmerman commented that he understands that once we build something we are not going to build it bigger later. He is concerned about our budget and does not want us to be in a position when we are doing all right and all of a sudden start splurging on different things. He suggested putting the budget at \$2.1 million and limit some of the fixtures and furnishings down to \$300,000. Let's take the \$200,000 out of the \$500,000. The full package deal; done, finished and out the door is within the budget.

Councilmember Jacobs has a problem limiting the budget especially if it is in another budget cycle. He does not have a problem with an inspirational goal.

Councilmember Zimmerman stated that we would be in construction by the time that goes on and it will be months before we are out to bid.

Councilmember Jacobs indicated that we should do the \$2.1 million building and muddle through it.

Mr. Ezzeddine agreed with that concept. We have been extremely successful in furnishing in the past.

Councilmember Levy mentioned that other Cities and institutions actually name rooms for sponsors and we might look into this.

Mayor Bendekovic stated that we thought about it when we were doing the golf course.

Councilmember Stoner indicated that the golf course is a good example. It needs another room; it is too small.

Councilmember Stoner clarified that the direction is \$2.1 million.

Mayor Bendekovic questioned if they are going to soften some of the elements.

Mr. Synalovski advised that they have two choices; they can work with staff or they can come back to Council.

Councilmember Stoner stated that they should come back.

Councilmember Levy mentioned Councilmember Zimmerman's suggestion of bringing in the brick elements but keep your flights of fancy.

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LEGISLATIVE ITEMS

Mr. Lunny read Item No. 17.

17. DEFERRED PUBLIC HEARING AND FIRST READING OF AN ORDINANCE OF THE CITY OF PLANTATION PERTAINING TO THE SUBJECT OF ZONING; AMENDING THE USE REGULATIONS PERTAINING TO FAST FOOD RESTAURANTS IN THE B-2P, B-3P, B-7Q, OB-C AND B-2L ZONING DISTRICTS; CLARIFYING THE B-7Q ZONING REGULATIONS; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

A Staff Report dated April 23, 2014, to the City Council, from the Planning, Zoning and Economic Development Department follows.

APPLICANT'S REQUEST: Request to amend the zoning code to allow fast food, drive-thru restaurants as a condition in B-2L, B-2P, B-7Q, and SPI-1 Zoning Districts.

EXHIBITS TO BE INCLUDED: Planning and Zoning Division Report, Application, Citywide Location map, Zoning Code Amendment Ordinance, City Council minutes of August 28, 2013, Planning and Zoning Board minutes of December 3, 2013, Planning and Zoning Board minutes of February 4, 2014.

CITY COUNCIL ADMINISTRATIVE ITEM (AUGUST 28, 2013): *Discussion of applicant's request to expand the list of zoning districts permitting fast food, drive-thru restaurants as a conditional use.*

- The City Council discussed applicant's request at length and recommend staff prepare language regulating fast food, drive-thru restaurants as a conditional use in B-2L zoning districts subject to conditions. (*See attached minutes*).

PLANNING AND ZONING BOARD RECOMMENDATIONS:

- **December 3, 2013:** Recommendation to amend the ordinance to expand the master list of business uses to include B-2P, B-3P, and B-2L and bring back the Ordinance with property advertising to the next appropriate scheduled meeting.
- **February 4, 2014:** Recommendations to approve the ordinance as revised by staff and to request staff revisit the criteria for B7-Q as previously discussed.

ANALYSIS

The applicant has requested a zoning code amendment to allow fast food, drive-thru restaurants as a conditional use in B-2L, B-2P, B-7Q, and SPI-1 zoning districts. The applicant indicates his current client wishes to construct a drive-thru Dunkin Donuts in the Party Supermarket/Pet Smart 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, drive-thru restaurants as a conditional use on the south side of Sunrise Boulevard between Volunteer Park and Flamingo Road.

Based on the Council direction at the August 28, 2013 Administrative Item meeting, staff prepared an ordinance amending the B-2L zoning district to regulate fast food, drive-thru restaurants as conditional use in a B-2L subject to the following minimum conditions:

- A fast food, drive-thru restaurant may be located in a multi-tenant shopping center or a freestanding building as a conditional use in a B-2L zoning district. If located in a freestanding building, the following additional requirements apply:
 - 1,000-foot separation between freestanding fast food restaurants.
 - Building Elevation Design Criteria (see draft ordinance).
 - Drive-thru lane(s) shall be located at least 200 feet from residentially zoned or used property.
 - Site shall be located a minimum 1,500 feet from a public or private school. (Does not apply to restaurants located in a multi-tenant building without drive-thru or exterior walkup or counter service).

Staff presented a draft summary ordinance to the Planning and Zoning Board on December 3, 2013. The initial draft reflected City Council direction regarding B-2L districts but did not address B-2P or B-7Q districts. The Planning and Zoning Board recommended expanding the ordinance to include B-2P and B-3P zoning districts.

Staff maintained the B-2L language suggested by Council and revised the ordinance to regulate fast food restaurants within multi-tenant buildings without drive-thru service as a conditional use in B-2P, B-3P, and B-7Q districts. The Planning Director would have the discretion to process small-scale fast food restaurants (up to 6,000 square feet within an existing tenant space) as a minor development approval on a case-by-case basis.

The Planning and Zoning Board recommended approval of staff's draft ordinance on February 4, 2014. After Planning and Zoning Board approval, staff clarified the proposal to not allow fast food restaurants on B-3P zoned property within the SPI-1 Plantation Acres Rural Residential District.

STAFF RECOMMENDATION:

Approval of the attached ordinance based on the following:

- The Zoning Code already allows fast thru, drive-thru restaurants as conditional uses in SPI-3 (Midtown) and SPI-2 (Gateway), the two largest commercial areas in the City.
- Drive-thru restaurants provide limited economic value to other retail stores in a shopping center. Drive-thru customers remain in their cars and are unlikely to visit other stores in the Center. Patrons of sit-down restaurants are more likely to walk to a nearby retail shop.
- The Planning and Zoning Board recommended approval of staff's recommended ordinance (attached) at their February 4, 2014 meeting.

- Most important, if the proposed amendments are approved as submitted by the applicant, fast food, drive-thru restaurants could potentially be allowed in most shopping centers and some office complexes in Plantation. *This is because the conditional use process does not allow the Council full discretion to reject an application as the Council approves conditional uses in a “quasi-judicial manner”.*

Attorney Bill Laystrom was present. He represents a number of shopping centers, three in particular that have asked him to look at the ability to provide fast food restaurant services in the western portion of Plantation. The Pet Smart Plaza was looking for a Dunkin Donuts and a year and a half to two years ago the Publix at Cleary Boulevard was looking at Schnellenbergers. Years ago it was decided that fast food and gas stations were uses that they did not want to see throughout the City; therefore, there are effective bans or prohibitions on those. He thought it was time to take another look. Council has indirectly tasked him with that by telling him that you cannot understand the reason for all of the bans. The reason for the bans, particularly in the outparcels in front of shopping centers, is there are five or six uses that tend to go there. Restaurants are one, fast food is another, and Walgreens and CVS stores. This is an opportunity to provide his ordinance proposing a conditional use to allow fast food restaurants within the B-2L, B-7Q, B-3P and B-2P. The reason he suggested all of those is because each of the shopping centers have a different zoning category. Staff recommended B-2L, which is the Pet Smart Plaza for the Dunkin Donuts and that we allow as a conditional use, fast food restaurants, but with five or six conditions, most of which he is fine with as long as waivers can be granted to those standards if it is appropriate. One of the standards is that you have to be more than 200 feet away from a residential property and if it is property line to property line and he owns an entire shopping center it is very likely he is going to have a residentially zoned property at least touching although homes are far away. It would also require notice. He is requesting that conditional use, fast food, be allowed within those districts; the other two shopping centers being the two on Cleary Boulevard, one where the Publix is and the other where the Self Storage is on Broward Boulevard and Nob Hill Road. As a general matter, he thinks the way to improve the economic life of our shopping centers and keep them vibrant is to provide different ways in which to have fast food available. They believe these draw traffic to the shopping centers; however, staff has indicated in their report that they think people just come and go. He would like to try to open this up on a conditional use basis. Staff believes that they could come in as a use variance in the other zoning districts. Part of this is being careful not to get something you do not want and the use variance is a higher standard to get approved. He would ask that they be conditional uses and he is willing to accept the conditions that staff has recommended. He wants to see it in B-2L and thinks that the larger shopping centers should have that opportunity. They are flexible and there is no time limit.

Councilmember Stoner questioned how the new Dunkin Donuts got approved.

Mr. Leeds advised that the new Dunkin Donuts is in Gateway. Gateway and SPI-3 Midtown allow fast food subject to conditions.

Councilmember Stoner mentioned the McDonalds and the KFC/Taco Bell have been existing for years; there are not any new drive-thrus beyond the Dunkin Donuts. She questioned how many years are between those and the Dunkin Donuts.

Mr. Leeds thinks that the code in SPI-3 is good; it allows a drive-thru but subject to some very precise conditions based on the orientation of the building and based on the fast food restaurant being in the center of a multi-tenant building with various conditions.

Councilmember Stoner is trying to put the approval process in perspective.

Mr. Leeds stated that it has been at least 10 to 15 years. The SPI-3 was crafted in a certain way so as not to encourage a proliferation of drive-thru restaurants. It is not about the type of food; it is about the drive-thru component.

Councilmember Stoner questioned how many drive-thru type entities have approached the City to put something like that in the Midtown area and have been discouraged.

Mr. Leeds indicated that he has not spoken to anyone that has requested to put a freestanding drive-thru restaurant in Midtown in the six and a half years that he has been here. The McDonalds and the KFC/Taco Bell are not permitted under the current SPI-3, which was adopted in 2004. The only drive-thru restaurant he is aware of once you get out of Midtown and Gateway is Arby's at the north end of University Drive, which is very old. He disagrees with Mr. Laystrom, he does not think a fast food restaurant adds any value to the other shops in a shopping center. People drive in, get their food and they are gone; they do not go to any other stores. When people go to a restaurant that is sit-down they are more likely to visit one of the other stores in the shopping center. The drive-thru component takes up more space because you have to look at a lot of stacking than you have with banks.

Councilmember Stoner commented that there is a relatively small queue for the new Dunkin Donuts.

Mr. Leeds stated that he was not responsible for that layout. The Dunkin Donuts is enough so it does not interfere with the parking lot.

Councilmember Stoner questioned whether these can be submitted as a conditional use.

Mr. Leeds advised that it can be done but you do not have the ability to turn it down. He wants to be clear that a conditional use does not give the Council the discretion to turn it down. If the applicant meets their burden then the burden shifts to the City to prove why the conditional use or the drive-thru component should not be there. A use variance is a higher test; a conditional use is not a way for controlling development.

Councilmember Stoner mentioned LaVan and Neidenberg and noted that it was just for that tenant; it did not extend beyond the terms of the tenant and the lease. She questioned if the fast food leaves if it has to be replaced with a fast food restaurant.

Mr. Leeds indicated that LaVan and Neidenberg was a big empty interior space. A freestanding drive-thru restaurant builds a kitchen and constructs a parking lot specifically designed for drive-thru and for production of food in a certain manner. He thinks it will be tough when another restaurant comes in and does not change the plan; uses the same kitchen with minor changes and wants to use the drive-thru aisle. He believes it will be more difficult to say no than LaVan and Neidenberg.

Mr. Lunny explained that Mr. Leeds observation is on point. There is a difference between enforcing a restriction such as that within a multi-tenant occupancy versus freestanding with a specialized capital investment. It is legally possible but practicality is way different under the facts.

Councilmember Stoner referenced the old Applebee's and a new person came in and decided to put a drive-thru there and since it is in Midtown it is allowed.

Mr. Leeds stated that it is in Midtown but it is a freestanding building so they could not have a drive-thru. Midtown imposes special additional regulations and restrictions on drive-thru restaurants. One of the issues

would be that it inserts an issue of parking into what is going to be a very tight parking lot. In terms of the code, it is not allowed.

Councilmember Stoner questioned where a drive-thru can be put in Midtown.

Mr. Leeds indicated that it can be put in Midtown but it would have to be in a multi-tenant retail store; it cannot be a freestanding building. Midtown was not intended to randomly have freestanding drive-thru restaurants; that is counter-intuitive to the concept of a walkable community. It could be done in Midtown but they have never been approached.

Councilmember Stoner commented that the practicality of putting it in one of those spots does not exist. She questioned if we get to say that we would like to have some fast food restaurants.

Mr. Leeds advised that the Council directed him to allow the use subject to conditions in the B-2L, which are the two large shopping blocks at the west end of the City in the Acreage area. They requested a dispersal requirement; he believes it is 1,000 feet, and he also included some setbacks from residential. Mr. Laystrom is correct, he will need a waiver. The setbacks were put in because drive-thru restaurants are often open late and not only can the order be heard from the box where you communicate, you may also hear music coming from the cars.

Councilmember Zimmerman questioned if this were approved as written in all of the districts that are listed, fast food, drive-thru, freestanding restaurants will go in.

Mr. Leeds clarified that if the ordinance is approved as written, freestanding drive-thru restaurants will only be allowed in the B-2L district.

Councilmember Zimmerman mentioned that a use variance for the remaining districts will come back to Council.

Mr. Leeds stated they would come back to Council. He thinks it would be a use variance because the drive-thru is a type of use but he has not discussed it with Mr. Lunny in detail.

Councilmember Levy believes the way it is written fits appropriately. He thinks coming back to Council on the use is good and he thinks the area allowing it is fine. He is in favor of the ordinance as written.

Councilmember Jacobs questioned Mr. Laystrom's criticism of the ordinance as written.

Mr. Laystrom indicated that a use variance means that he will be in front of Council for Schnellenberger's site and his discussion will be the staff report that says he has other reasonable uses for the property; therefore, a use variance does not fit here. We have had that discussion many times and still find that it is the best use for the property. He would seriously doubt that he would meet the criteria for the use variance. With a conditional use, he still comes to Council and staff still reviews the traffic and the stacking. With regard to the comment about what happens if someone were to leave a building, while the special exception would fall away, he would apply for it and come back but he would be telling you that there would be the same traffic generator and why would Council not approve it anyway. If they do not meet the site planning standards to put these in then we will have the same issue regardless of whether it is a special exception or use variance. He felt that there is not fast food stand alone anywhere in Plantation because the in line generally does not work.

Mr. Leeds advised that his discussion with Mr. Laystrom is correct; he thinks the drive thru is an operational characteristic and that it is subject to a use variance. He makes a recommendation and sometimes the Council agrees with him and sometimes does not. The burden of proof with the conditional use scares him because it is not a very difficult burden. The other thing Mr. Laystrom would have to deal with if representing someone who wants to go with Schnellenbergers; there is a minimum 1,500 feet setback from a public or private school measured from property line to property line. The main reason this is done is because the drive thru characteristics combined with a school zone is not a good idea from a traffic standpoint.

Councilmember Jacobs commented that that particular site is near a school. He questioned if a site did not meet the requirements for a use variance whether it is possible to still be brought forward to Council so they can approve the use anyway.

Mr. Lunny stated that Council can decide whether the criteria are met, not staff. If Council decided that the criteria has not been met then the answer is, "It is over" and it would have to wait a certain time period to reapply. Staff does not make that decision except in minor development approvals and that is not what we are talking about.

Councilmember Jacobs questioned whether an applicant would have to meet a certain burden before going to Council, such as having a site plan.

Mr. Lunny advised that there is a requirement for a binding buildable site plan. There are reviews at Review Committee, Planning and Zoning Board and at Council level.

Councilmember Jacobs mentioned that there would be a substantial investment just to get to the Council.

Mr. Lunny explained that a use variance is something that should be discouraged as a zoning tool; not many cities have them.

Mr. Leeds indicated that the process for a use variance is Review Committee, Planning and Zoning Board, and City Council, is almost identical. The requirement for a buildable site plan is almost identical to a conditional use. The only thing that is different is that it has a higher burden but you still make that decision.

Mr. Lunny noted that the standards and the burden are a little more vigorous.

Mr. Leeds concurred.

Mr. Laystrom stated that these laws go beyond when he will be there and what he finds is that this Council has the experience of use variance but the next group will have a staff report in front of them that says this does not meet the criteria. While discretionary, it is hard for elected officials to then jump beyond that if they have not had a lot of years of experience. He does not want to make this too difficult; if it does not work they will come back to re-discuss the issue. The costs are about the same to go between the two projects; it is just a question when you are making the decision to go forward. At least with a condition use, he can look at the traffic and once he feels it is set he is pretty set. There may be some landscaping issues and other issues, but it boils down to landscaping and traffic. The problem is identifying the other concern about having drive thrus besides traffic and noise.

Mayor Bendekovic reiterated that she would be very cautious because of the situation with the fast foods. She agrees with Mr. Leeds that people do tend to come in if it is not a drive thru. She feels that

Councilmember Jacobs commented that the ordinance as written is a use variance.

Mr. Leeds noted except for B-2L, which Council previously authorized. He stated that B-2L is the two large shopping centers just east of Flamingo Road on either side of Sunrise Boulevard. They are big centers and they were master planned from Flamingo Road all the way east. The ordinance allows it in that location subject to conditions, which are subject to waiver.

Councilmember Jacobs stated that he would go with the ordinance as is.

Motion by Councilmember Jacobs, seconded by Councilmember Zimmerman, to approve the ordinance as presented. Motion carried on the following roll call vote:

Ayes: Zimmerman, Jacobs, Levy, Stoner

Nays: None

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Mr. Lunny read Item No. 18.

18. SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY OF PLANTATION, FLORIDA, RELATING TO ANIMALS BY AMENDING THE PLANTATION CODE OF ORDINANCES TO CREATE REGULATIONS FOR THE RETAIL SALE OF DOGS AND CATS; PROVIDING SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

Mr. Lunny mentioned that at the end of the last meeting some of Council were expressing concern about the proposition that no retail pet shop should be permitted to sell a dog or a cat unless it was sourced from the Human Society or Rescue Society. That means to accomplish the object of the law, which is to discourage the use of puppy and kitten mills might be viewed as too broad. There was also an expression that a business had recently gone through the approval process, got approved and was immediately faced with this regulatory ordinance. He was asked to consider some practical legal suggestions to allow for the sale of animals without necessarily going too far into creating a new additional regulatory apparatus. He was advised that he could speak with Mr. Sweetapple about the suggestions. With that, the Legal Department made the revisions, which are reflected in the May 21, 2014 memorandum, those being to try to allow for organizations to accredit breeders. This way it would be similar to having an animal sourced from a breeder that was accredited by a nationally recognized entity that would be a permissible source. He did that without consulting with anyone and formulated that in his office as an idea. He then sent it to Mr. Sweetapple on May 20, 2014 and heard back from him on the date of this meeting, which is in essence that he has not had time to vent that concept in terms of whether it would avoid litigation with the Industry, which is currently taking place in a sister City. It appears that his effort to strike what he thought was a practical alternative may not have been a good one because, based on emails received, it might fall short of the mark in terms of criticisms that he has not independently confirmed that the American Kennel Club does not do a good job accrediting breeders according to unconfirmed Press Reports. Not only does he think the Industry is not ready to comment on the draft and Mr. Sweetapple has asked for a deferral, the citizens who initially were asking for the much broader approach are equally unhappy with his suggestion. Additionally, he received a request from Councilmember Fadgen who could not be here today, to delay the item until there is a full Council present, and he indicated that he would not be here for a few meetings. He then sent an email to Council that encouraged you to log in all lobbying communications you have had with certain individuals even though they may not truly be lobbyists. He cautioned this because of an

email where someone was speaking on their behalf and on behalf of the Industry. Under the current County Ethics Code, written communications such as email are communications that need to be registered. The Broward League of Cities is trying to get the County to change that because when an email is received from someone who is arguably a lobbyist you have to enter in the data that you received the email and what it was about. What we are trying to do at the County level is change that so that any email you get you can turn into the City Clerk without filling out a separate contact sheet. That is not the law yet; the current law is that if you receive lobbying communications in email form you must fill out the contact sheet. Over the past week we changed our system so that Ms. Slattery can override the system and allow each of you to enter in those contacts but based on our review of who has reported we think that some of you have not reported all of the email you might want to report. The County Ordinance says that you have to log in before you vote on the matter no matter what and you should log in within ten days of receiving the communication. This is an advertised hearing and he would like to indicate that Council can proceed with the hearing. The Legal Department, for the foregoing reasons, is not going to ask for a deferral which would require any affirmative vote on the behalf of Council; however, he is going to pull this item from the agenda so there is no vote taken on the item. He requested that Council go back and look at the email and enter in all contacts and be as careful as possible. It would be his preference to see what happens in sister Cities and continue to work on this as an administrative matter and see if we can come up with some better idea because the idea that was formulated has only made people more upset. He proposed that Council not act on this and if they want to consider comments feel free but there will be no vote on the item.

Councilmember Jacobs mentioned if you get an email and questioned how you enter a person's last name, first name and an email address into the system; it wants a zip code.

Mr. Lunny advised they will have to work on that. The Ethics Law, as people are implementing it more and more, we are finding issues with the County Ethics Law that we brought to the County's attention that are not practical. We may have to override that function. He sent an email to Council saying that if you have received email from these people who appear to be speaking not only on their behalf but on behalf of some Industry please send it to the City Clerk so we can try to enter it into the data system. We do not have the resources in the City Clerk's Office in terms of personnel to have an individual monitor all of the emails and enter the data for you.

Councilmember Jacobs expressed concern and would rather put in all of the emails that he has received at this point and he cannot.

Mr. Lunny stated that he and Ms. Slattery need to have another discussion and she may need to meet with Mr. Castro and figure out if there is another way to do this. We borrowed the County's system to install our own. Based on what he saw he had a concern which prompted him to send the warning. The warning said that it was oral and any written communication.

Councilmember Jacobs commented that we can put in "Not known for an address and 99999 for a zip code"; there are ways around it without changing the system if it will take it. He thinks we need to decide whether or not that is a policy we want to follow.

Mayor Bendekovic indicated that she was not aware that Councilmember Fadgen wanted to delay this item until there was a full Council. The only next meeting with a full Council will be on July 9, 2014 and she will not put it on the agenda because that is our budget and the setting of the millage. The next time we would have a full Council would be August 27, 2014.

In response to Councilmember Stoner, Mayor Bendekovic stated that she does not want to tell who and when someone is out because you don't want that out in the public. After August 27, 2014, September 3, 2014 is our First Public Hearing of the Budget and it will not be put on that night and the next is September 15, 2014, which would be the Second Hearing of the Budget and it will not be on that night. Unless you want it on August 27, 2014 or in October 2014, those will be the first available dates.

Councilmember Jacobs was in favor of October and Councilmember Stoner concurred.

Councilmember Levy and Councilmember Zimmerman were also in favor of October.

Mr. Lunny advised that they can proceed with the hearing but his advice was no vote and he will be pulling the item. He apologized; he had to make the statement this evening; he was reluctant to do it beforehand.

Councilmember Stoner announced that the City Attorney has pulled this item and it will be rescheduled for a later date. We will have to re-advertise. At that time we will have public comments so there will be no public comments tonight.

Mr. Lunny indicated that they would work on the implementation.

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QUASI-JUDICIAL CONSENT AGENDA - None.

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QUASI-JUDICIAL ITEMS – None.

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COUNCILMEMBERS' COMMENTS

Councilmember Zimmerman commented on the nice Memorial Day Service at Veteran's Park.

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Mayor Bendekovic advised that she provided the new property values and with the 2012/2013, which shows the difference of 6.8 not 7.0. Midtown was 8.9 and Gateway was 4.0. The developers and the residents are getting a return on their investment.

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Councilmember Stoner attended the year end awards at Seminole Middle School. While speaking with the principal, she stated that some of the parents had heard about a petition being circulated about school boundaries. She questioned whether Mayor Bendekovic had any knowledge of this.

Mayor Bendekovic indicated that the only thing she has heard on school boundaries that Leslie Brown has called our office concerning the school boundaries. She has not said what specifically it is. She was out of town last week and stated that she would not be able to have a conference call until June 16, 2014. As far as a

petition, that would have to be by the parents not by our Administration. She attended the Educational Advisory Board meeting the other day and that was not mentioned at that time.

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PUBLIC REQUESTS OF THE COUNCIL CONCERNING MUNICIPAL AFFAIRS

Patrick Neptune, resident, was present. He mentioned that Trooper Donna Watts of the Florida Highway Patrol pulled over a Miami Dade Police Officer on October 11, 2011. The case made national news. Officer Watts has endured years of harassment by Officers of multiple jurisdictions to the point where she sued the Officers, the Departments and Cities involved for invasion of privacy and violation of Civil Rights. As a result of the law suit it was brought to light that Officers from multiple jurisdictions accessed her driving record and driver's license information over 200 times in a three-month period without probable cause nor a legitimate purpose. In 1994 the U.S. Congress passed the Driver's Privacy Protection Act of 1994 18USC because of ongoing abuse by law enforcement of accessing citizens' personal information. Each violation of the DPPA carries a \$2,500 fine. He is no longer a resident of Plantation; he moved about five years ago. In recent months his driver's license information and driving record has been illegally accessed by members of the Plantation Police Department over 20 times. There is no legal justification nor probable cause to access this information. Since he left Plantation he has never been pulled over by any Officer of the Plantation Department or issued a citation by any Officer of the Plantation Police Department. The illegal access of this information is a clear invasion of his privacy and of his Civil Rights. He has filed a complaint with the U.S. Department of Justice and the U.S. Attorney's Office in this matter. He urged every citizen to make a records request from the Florida Department of Transportation to determine how many times and by whom has their driving record and driver's license information been accessed.

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Dennis Conklin, resident, was present. He made the following comments:

- He mentioned medical marijuana that will be going on the ballot for the public to vote on.

Councilmember Stoner indicated that this topic really does not belong before Council.

Mr. Conklin stated that he was going to request that people vote against it.

- He referenced the Community Center discussion and expressed his favor of not going with the LEEDS certification; that would have run the costs up astronomically. He also expressed his compliments in defense of the budget and not exceeding it.
- Council may want to look at the conversion of the plans that we have for the pensions; the Defined Benefit Plan. Defined Benefit Plans are basically not going to function. The two-tier plan was proposed because the first plan failed. He encouraged Council to move for a Defined Contribution Plan which would basically move the City's employees into a more modern 401k style to ensure that the taxpayer is not on the hook for an astronomical unfunded pension plan. The employees would sure to get a retirement plan through a Defined Contribution Plan.

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Peter Jehlen, resident, was present. He has had extensive discussions with Chief Harrison concerning Code Enforcement. His property faces the Plantation Business Park that has a long wall that goes all the way down the street. For the past four months there has been graffiti painted on the wall. He reported it to a Police Officer last month and it was there the whole month. Last Tuesday Mr. Chin called someone and by Thursday it was taken care of. His concern is that there is no Code Enforcement in Park East. He also has a huge problem with trash in the swale; it is rarely removed from swale in the Plantation Business Park. There is a rental property on NW 6th Court and NW 43rd Avenue where trucks are being parked on the lawn overnight. Nothing was ever done and it finally was resolved by the people moving out. Currently on NW 5th Street and NW 43rd Avenue, on the east side of the road, a house was burnt down. They are in the process of rebuilding the house. From what he understands, when there is a construction site it is supposed to be secured at night; this site is not. Last Saturday while working on his lawn he saw homeless people with carts walking down the street, going down the swale of the Plantation Business Park picking out stuff. He does not believe this is being represented on the east side as well as on the west side. His neighbor behind him, who he has had continuous problems with, has had a trampoline in the front yard for the last year. He questioned the safety of placing a trampoline in the front yard without any restrictions to keep people away from it. He spoke with Chief Harrison about a consistent dog issue with a neighbor. When he calls the Police Department he feels like he is the one being interrogated and intimidated to the point where he is not calling anymore. He is tired of being the one who is always in the wrong. He is at a point to sell his property because the City of Plantation has not protected him or his property values and the only time anything gets done is when he comes before Council.

Mayor Bendekovic mentioned that whenever they talk she visits his property and also visits the Plantation Business Park because that is the only way we have been able to clean up that area. She questioned how the shrubs look.

Mr. Jehlen indicated that there is trash everywhere. His point is that residents pay someone to enforce the codes of this City and he has to come to Council to get it done. He is at wits end as far as this City protecting its citizens. He believes this is the only City that he has ever lived in that pits neighbor against neighbor where he has to come to Council in front of everyone.

Councilmember Stoner stated that he can call or email any one of the Council members at any time.

Mr. Jehlen advised that Code Enforcement is supposed to do that.

Chief Harrison commented that he has spoken at depth with Mr. Jehlen and has taken all of his notes, which he is going to address. He was not aware of some of those issues. He has already spoke to the Public Works Director on some of the trash and tagging on the wall; it will be taken care. He apologized to Mr. Jehlen. He stated that he will drive through the neighborhood every now and then.

Mayor Bendekovic advised that the dog has been a continual problem. That was addressed months ago.

Mr. Jehlen stated that the neighbor built a shed dog house that has the same shingles as the house above the fence line with no permit. He put a new fence down the line. It was addressed but the problem is that the fence is not anchored. He questioned where Code Enforcement is. The fence was never inspected but yet the permit was all right. He was told that the reason the fence was put there was because the neighbor said it was supposed to be there. He commented that from the west side of the Turnpike Plantation is a beautiful City but when you go on Broward Boulevard and look to the north and see that wall of concrete and how bad it looks it is a completely different City.

Councilmember Stoner disagreed. She feels bad that this is causing him so much anxiety. The City spends so much money on the east side you would be surprised.

Mayor Bendekovic mentioned the CDBG Funds spent in Park East and noted that the roads were repaved two years ago. We are also putting in a new lighting system along Country Club Estates.

Mr. Jehlen questioned what is happening on the north side.

Mayor Bendekovic stated that new lighting was put in at the Jim Ward Community Center; they cleaned up E Lake; the playground was redone; and the MERT trail along Sunrise Boulevard.

Mr. Jehlen emphasized that the reason he is here is because he wants to see Code Enforcement to enforce the codes in that neighborhood. Currently there is bulk trash and pick up is not until next week. This is his reality of living in this neighborhood every day. Unless he talks on the record there is no record of anything ever happening so no one ever thinks there is a problem. He has been dealing with this for 12 years.

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SEALED COMPETITIVE SOLICITATIONS – None.

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WORKSHOPS – None.

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Meeting adjourned at 10:30 p.m.

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Councilmember Lynn Stoner, 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