REGULAR MEETING OF THE CITY COUNCIL
PLANTATION, FLORIDA

June 11, 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
Asst. City Attorney:	Quentin Morgan
Absent:	Jerry Fadgen

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2. The invocation was offered by Councilmember Jacobs.

The Pledge of Allegiance followed.

3. Approval of Minutes of Meeting – May 14, 2014.

Minutes of the Regular Meeting of May 14, 2014 were approved as presented.

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ITEMS SUBMITTED BY THE MAYOR

Resolution No. 11883

4. **RESOLUTION** of Appreciation to Yvonne Vigo for 17 years of dedicated service to the City of Plantation.

Motion by Councilmember Levy, seconded by Councilmember Jacobs, to approve Resolution No. 11883. Motion carried on the following roll call vote:

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

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Sharon Kent, Assistant Director of Parks and Recreation, made the following announcements:

- Summer Camp runs from June 9, 2014 until August 1, 2014 for eight weeks. Day Camps are at Central Park, Volunteer Park and Jim Ward Community Center. We also have Adventure Camp at Central Park, Camp Elite at Volunteer Park, tennis camp at Veltri Tennis Center, Equestrian Camp at Volunteer Park and the Golf Camp at the Plantation Preserve Golf Course. Kid's Camp runs from August 4, 2014 until August 14, 2014 and is offered only at Central Park. Registration for Kid's Camp begins on July 31, 2014.
- Friday, June 20, 2014 is the deadline to submit applications to participate in the 4th of July Parade.
- The Miami Dolphins Seven versus Seven Tournament will be held at Plantation Central Park on Saturday, June 14, 2014 from 8:00 a.m. until 8:00 p.m.
- There will be a Father's Day Brunch on Sunday, June 15, 2014 from 10:00 a.m. until 2:30 p.m. at the Plantation Preserve. Reservations are suggested.
- We received the FRDAP Grant for $50,000. That will go for two picnic shelters at Plantation Woods. Paperwork will be provided advising how the funds will be spent.

Mayor Bendekovic commented that the nice thing about this Grant is that we do not have to match it.

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Mayor Bendekovic made the following announcements:

- The Broward County Property Appraiser Community Outreach Event will have representatives available to fill out applications. This event is every Wednesday in June from 12:00 p.m. to 2:00 p.m.
- The 17th Annual Wine, Jazz and Taste of Plantation will be on Saturday, June 28, 2014 at the Renaissance Plantation.
- The Fire and Safety Health Expo will be on Saturday and Sunday, June 28 and 29, 2014 from 9:00 a.m. to 4:00 p.m. at Pine Island Park.
- The Mayor's Council will be on Wednesday, June 18, 2014 at the Plantation Fire Department.
- A delegate is needed to attend the Florida League of Cities Annual Conference which will be Thursday – Saturday, August 14 – 16, 2014 at the Weston Diplomat Hotel. Mayor Bendekovic indicated that she would ask Councilmember Fadgen upon his return if he would like to attend because he has attended several along with Councilmember Levy.
- During the conversation on Pension Boards we were looking for qualifications for residents and non-residents. Some qualifications are provided and if anyone wants to delete any of them or make any additions, contact Susan Slattery, City Clerk.

Mayor Bendekovic introduced Katie Edwards, State Representative.

Ms. Edwards made the following comments:

- She spent the last four months in Tallahassee passing a monumental budget; the most they have ever spent.
- There was a project in Plantation for $50,000 that was spared the Governor's veto pen.
- She represents House District 98; most of Central and West Plantation. Her neighborhoods include Eldorado, Jacaranda Lakes, Plantation Acres, Royal Palm Estates, Hawks Landing, Central Park and Lauderdale West. She is just finishing her first term in the Florida House.

- Our first Bill this year was the Florida GI Bill. This provides University tuition waivers for our Veterans; it pays for military and guard base improvements; and it is expected to help increase employment opportunities for Veterans and allocates $1 million per year to the State for Veteran's projects.
- With regard to transportation, we are always in need of funds to make our commute to work much smoother. We are looking at receiving around $133 million for I-595 improvement projects; that is in addition to what was received last year. That will help in the areas of I-75 and West of I-95.
- A tax cut package was passed. It will provide some incremental relief to motorists in the form of some tax breaks on vehicle registrations. These funds will be seen back in your savings year by the beginning of next year.
- There will be some funds to our SHIP funds, which helps affordable housing projects.
- Several Bills were passed this year and her proudest one was the Sentencing Reform Bill. Many families around the State have been impacted by our very harsh Sentencing Reform Laws as they relate to prescription drug offenses. Our Bill addresses certain issues and makes sure that we can divert those first time, low level, non-violent prescription drug offenders to treatment rehabilitation. That Bill is looking at saving taxpayers $48 million over five years in capital and operating costs and that is going to be sent to the Governor.
- Another Bill that is going to pass and that she has received the most notoriety is the so called Charlotte's Web Bill. This Bill allows for a certain type of low THC cannabis to be used in an extract form for patients that have Epilepsy, Cancer, Parkinson's and ALS. It is going to open up gate for research and development in this State in partnership with the University of Florida IFIS.

Councilmember Stoner questioned what type of improvements they are talking about along the I-595 corridor.

Ms. Edwards advised that one of the projects they had last year was providing funds for buses. Mass transit is important to our work force population that lives around these communities. We saw a significant need for areas in East Plantation and Lauderhill, where they cannot afford to purchase a vehicle. Connecting those transportation hubs to an efficient bus system is important and we are going to continue doing that. We have seen the widening of lanes, the improvements and a decrease in commute time with changes such as paving and making sure that we have better signage and lighting and making sure that I-595 is safe. The reason she is referring to safety is the integrity of our bridge system. We have a number of bridges in this State that are in dire need of improvements and she is making sure that we have those funds set aside so we can make sure that the integrity of the overpasses is improved. Those are the types of projects you will see passing through the State to DOT and they can put those out to public bid.

Councilmember Stoner noticed that several residential areas buffer along the New River Canal and I-595 did not receive buffer walls. Those communities seem to be attracting a different type of people that go into the communities and find a very quick departure. She does not know if additional buffer walls can be considered for those areas.

Ms. Edwards indicated that part of Plantation; for instance, Plantation Harbor and Plantation Isles; unfortunately they are outside of her district. Those residents concerns have primarily been with the water quality; they have seen much more debris piling up in the waterways. Their quality of life has decreased significantly since the I-595 improvement projects began. When Leeder Thurston (sic) comes before Council he may know some stats regarding the buffer walls. She will be happy to look into that and see if something can be found in the $133 million to give them the relief.

Councilmember Stoner questioned if the area between University Drive and Pine Island Road is her district.

Ms. Edwards stated that she does not have the area of Peters Road just south of University Drive in her district.

Councilmember Stoner commented that between University Drive and Nob Hill Road there are no buffer walls.

Ms. Edwards mentioned that is the area near Hawks Landing.

Councilmember Stoner noted that Hawks Landing has their own wall but there are not any between Nob Hill Road and Pine Island Road and then Pine Island Road and University Drive.

Ms. Edwards advised that she would be happy to look into that and follow up. She will work with the City Attorney and get a better sense of which neighborhoods might need that above and beyond her district so they can work through the DOT and make sure that is part of their plan.

Mayor Bendekovic commented that Ms. Edwards should coordinate with Brett Butler, City Engineer.

Councilmember Stoner suggested getting some input from the Police Department as to why there is a necessity for those buffer walls in those areas.

Ms. Edwards did not believe this was on the City's agenda for last year so going into it makes it much easier to advocate for the funds and make the case because the Governor's office does call them and they do ask if you are sponsoring a project why it is important to your City. It would be helpful next year to continue that. We should have that in our work plan.

Councilmember Levy questioned Ms. Edward's biggest disappointment in this year's legislature.

Ms. Edwards indicated that you need to be able to work on both sides of the aisle and there is a disappointment if you cannot do that. We are going into a very contentious election and they stand to gain or lose a lot depending on your views. She likes balance; therefore, she would encourage all of the residents to vote. From a business standpoint, they are trying their best to create a climate in this State that businesses can thrive and that people can have a good high paying job and can pay their mortgage. If there is not a partnership with the local folks it is not going to work; that is a frustration.

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CONSENT AGENDA

As a Commissioner of the CRA, Mayor Bendekovic has a voting privilege on Item No. 14.

Item No. 13 was pulled for discussion and voted on separately. Mr. Morgan read the Consent Agenda by title.

5. Request to approve funds in the amount of $20,403 to purchase yearly maintenance for FileNet-Enterprise digital scanning, indexing, and retrieval software solution. (Budgeted – IT)

6. Request to approve funds in the amount of $69,039 to upgrade laptops and mobile docks for the Building Department. (Budgeted – IT)

7. Request to purchase one (1) 2015 Chevrolet Tahoe to be used as a response vehicle in the amount of $27,707. (Budgeted – FD)

Ordinance No. 2505

8. **ORDINANCE** Second and Final Reading of an ordinance of the City of Plantation, pertaining to the subject of Comprehensive Planning; recapturing the previously approved 3,210 commercial square footage in Local Activity Center (LAC), and reassigning to four (4) residential units in Local Activity Center (LAC), to the following described property located in Flex Zone 73 so as to permit the conversion from commercial to residential use; property lying in Section 7, Township 50 South, Range 42 East, and described as Melrose Park Sec. 8 39-36 B, Lots 8 thru 11, Block 7 and Tract 1 less OR 40424/1464, less OR 40424/1468 and also less RD R/WS described in ORS 18869/467, 43439/1398, 43439/1420 and less POR TR 1 for R/W Case 6-339795 described in OR 25131/280 of the Public Records of Broward County, Florida, generally located on the southeast intersection of Broward Boulevard and State Road 7 (US 441); providing findings, providing a savings clause, and providing an effective date therefor.

Ordinance No. 2506

9. **ORDINANCE** Second and Final 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.

Resolution No. 11884

10. **RESOLUTION** assessing a lien on certain property for the cost to the City of Plantation of its mowing and clearing said property. (11650 NW 8th Street)

Resolution No. 11885

11. **RESOLUTION** approving the Expenditures and Appropriations reflected in the weekly Expenditure Report for the period May 22, 2014 through June 4, 2014 for the Plantation Gateway Development District.

Resolution No. 11886

12. **RESOLUTION** approving the Expenditures and Appropriations reflected in the weekly Expenditure Report for the period May 22, 2014 through June 4, 2014 for the Plantation Midtown Development District.

Resolution No. 11888

14. **RESOLUTION** approving the Expenditures and Appropriations reflected in the weekly Expenditure Report for the period May 22, 2014 through June 4, 2014 for the City of Plantation's Community Redevelopment Agency.

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

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

Mayor Bendekovic voted affirmatively on Item No. 14.

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Mr. Morgan read Item No. 13.

Resolution No. 11887

13. **RESOLUTION** approving the Expenditures and Appropriations reflected in the weekly Expenditure Report for the period May 22, 2014 through June 4, 2014.

Councilmember Zimmerman advised that he was informed that he may have a conflict of interest with check No. 159230. The forms have been filed with the City Clerk.

Motion by Councilmember Jacobs, seconded by Councilmember Levy, to approve Resolution No. 11887. Motion carried on the following roll call vote:

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

NOTE: Councilmember Zimmerman abstained from Check No. 159230.

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ADMINISTRATIVE ITEMS

Mr. Morgan read Item No. 15.

15. ANNUAL BOARD AND COMMITTEE REAPPOINTMENTS/RATIFICATIONS.

A Memo dated May 21, 2014, to Mayor Bendekovic and City Council Members, from Susan Slattery, City Clerk, follows:

Attached is the proposed Advisory Board listing for 2014/2015. Please note that the numbers for the seats on the rotating members is the Council person who will make the appointment for this year.

I have also attached the attendance records for you to view. As always, if you have any questions please contact me.

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None of the Councilmembers had any changes.

Mayor Bendekovic has one vacancy on the Educational Advisory Board that she is pursuing to fill. Other than that there are no changes.

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Mr. Morgan read Item No. 16.

16. DISCUSSION CONCERNING PLANTATION COMMUNITY BUS SERVICE. (TRAM)

A Request for Direction dated June 11, 2014, to Mayor and Members of City Council, from Edward Consaul, Public Works Director, and Priscilla Richards, Strategic Operations Administrator, follows:

SUBJECT: Plantation Community Bus Service (TRAM)

REQUEST: Direction for the future of the TRAM service.

HISTORY: The City of Plantation entered into an Interlocal Agreement with Broward County for Community Bus Service in September of 2009. The Agreement terminated in 2012 and included two, one-year extensions until September of 2014. The City and Broward County have exercised both extensions. Broward County is in the process of creating a new Interlocal Agreement for Community Bus Service which is to be sent to cities by summer of 2014.

The City of Plantation entered into an Agreement with Limousines of South Florida, Inc., a Keolis Transit America Company, for the Operation and Maintenance of Transit Bus Service (Plantation Tram) in 2012 for one year with the one-year extension until September of 2014. The current rate is $31 per service hour. The County contributes $15 and the City provides $16 per service hour.

On March 26, 2014, Plantation City Council acknowledged that as of October 1, 2014, there would be an increase in the amount a vendor would charge to provide transit related services to the City. Council challenged Broward County Transit staff to revise the current routes for TRAM A and TRAM B so that the City's annual contribution for the service would not exceed the current amount of $220,000 assuming the following:

1. A future vendor would charge an hourly rate not to exceed $38 per service hour.
2. Broward County will continue to provide $15 per service hour.
3. The new routes would maintain an average of 7.1 passengers per revenue hour per vehicle.

On May 30, 2014, the City received a letter from Irvin Minney, Community Transit Officer with Broward County Transit Division, stating that since implementing the $.50 fare, TRAM ridership has declined to the point it will probably not meet the minimum requirements of 7.1 passengers per revenue hour at the end of FY 14. He also included two (2) possible scenarios that Broward County Transit Service and Capital Planning staff developed for our review and consideration. (Attachment)

CONSIDERATIONS:

TABLE 1: RIDERSHIP AND REVNEUE (November 18, 2013 – April 10, 2014)

Collection Date	Ridership Dates	Ridership Reported by LSF TRAM A	Should have Collected A	Collected	Difference	Ridership By Collection
11/18/2013	Nov. 15, 16	221	$110.50	$ 106.77	-$3.73	184
11/21/2013	Nov. 18,19,20	583	$291.50	$ 363.52	-$27.98	454
11/25/2013	Nov. 21,22,23	436	$218.00	$ 204.23	-$13.77	352
12/2/2013	Nov.25,26, 27, 30	595	$297.50	$ 205.84	-$91.66	355
12/5/2013	Dec. 2,3,4	601	$300.50	$ 305.10	4.60	526
12/9/2013	Dec. 5,6,7	430	$215.00	$ 135.88	-$79.12	234
12/12/2013	Dec. 9,10, 11	610	$305.00	$ 144.13	-$160.87	249
1/2/2014	Dec.30,31 2013	281	$140.50	$ 140.31	-$0.19	242
1/6/2014	Jan 2,3,4,2014	340	$170.00	$ 100.84	-$69.16	174
1/9/2014	Jan 6,7,8	470	$235.00	$ 204.70	-$30.30	353
1/13/2014	Jan 9,10,11	421	$210.50	$ 170.52	-$39.98	294
1/16/2014	Jan 13,14,15	597	$298.50	$ 173.13	-$125.37	299
1/21/2014	Jan 16,17,18	391	$195.50	$ 129.71	-$65.79	224
1/23/2014	Jan 20,21,22	314	$157.00	$ 116.87	-$40.13	202
1/27/2014	Jan 23,24,25	387	$193.50	$ 154.04	-$39.46	266
1/30/2014	Jan 27,28,29	584	$292.00	$ 297.88	$ 5.88	514
2/3/2014	Jan30,31 Feb 1	411	$205.50	$ 160.41	-$ 45.09	277
2/6/2014	Feb 3,4,5	615	$307.50	$ 245.23	-$ 62.27	423
2/10/2014	Feb 6,7,8	435	$217.50	$ 145.39	-$ 72.11	251
2/13/2014	Feb 10,11,12	558	$279.00	$ 93.57	-$ 185.43	161
2/18/2014	Feb 13,14,15	405	$202.50	$ 254.58	$ 52.08	439
2/20/2014	Feb 18,19	314	$157.00	$ 87.40	-$ 69.60	151
2/24/2014	Feb. 20,21,22	511	$255.50	$ 82.23	-$ 173.27	142
2/27/2014	Feb 24,25,26	535	$267.50	$ 219.64	-$ 47.86	379
3/3/2014	Feb 27,28,Mar 1	391	$195.50	$ 157.02	-$ 38.48	271
3/6/2014	Mar 3,4,5	626	$314.50	$ 235.49	$ 79.01	406
3/10/2014	Mar 6,7,8	368	$184.00	$ 155.69	-$ 28.31	268
3/13/2014	Mar 10,11,12	511	$255.50	$ 169.20	-$ 86.30	292
3/17/2014	Mar 13,14,15	410	$205.00	$ 200.41	-$ 4.59	346
3/20/2014	Mar 17,18,19	516	$258.00	$ 207.55	-$ 50.45	348
3/24/2014	Mar 20,21,22	380	$190.00	$ 169.28	-$ 20.72	292
3/27/2014	Mar 24,25,26	405	$202.50	$ 108.22	-$ 94.28	187
3/31/2014	Mar 27,28,29	314	$157.00	$ 91.23	-$ 65.77	157
4/3/2014	Mar 31 April 1,2	464	$232.00	$ 232.08	$ 0.08	400

4/7/2014	Apr 3,4,5	365	$182.50	$ 176.62	-$ 5.88	305
4/10/2014	Apr 7,8,9	492	$246.00	$ 257.17	$ 11.17	443
		16,290	$8,145.00	$ 6,301.88	-$1,843.12	10,865
Collection Date	Ridership Dates	Ridership Reported by LSF Tram B	Should have collected B	Collected	Difference	Ridership By Collection
11/18/2013	Nov 15,16	235	$117.50	$ 116.09	-$ 1.41	232
11/21/2013	Nov 18,19,20	590	$295.00	$ 164.22	$ 130.78	328
11/25/2013	Nov 21,22,23	391	$195.50	$ 112.39	-$ 83.11	225
12/2/2013	Nov25,26,27,30	539	$269.50	$ 115.03	-$ 154.47	230
12/5/2013	Dec 2,3,4	647	$323.50	$ 136.87	-$ 186.63	274
12/9/2013	Dec 5,6,7	459	$229.50	$ 144.47	-$ 85.03	289
1/2/2014	Dec 30,31 2013	281	$140.50	$ 148.08	$ 7.58	296
1/6/2014	Jan 2,3,4, 2014	320	$160.00	$ 99.37	-$ 60.63	199
1/9/2014	Jan 6,7,8	476	$238.00	$ 127.59	-$ 110.41	255
1/13/2014	Jan 9,10,11	406	$203.00	$ 136.59	-$ 66.41	273
1/16/2014	Jan13,14,15	557	$278.50	$ 130.60	-$ 147.90	261
1/21/2014	Jan 16,17,18	359	$179.50	$ 169.16	-$ 10.34	338
1/23/2014	Jan 20,21,22	339	$169.50	$ 90.39	-$ 79.11	181
1/27/2014	Jan 23,24,25	367	$183.50	$ 123.54	-$ 59.96	247
1/30/2014	Jan 27,28,29	543	$271.50	$ 270.15	-$ 1.35	540
2/3/2014	Jan30,31 Feb 1	398	$199.00	$ 130.57	-$ 68.43	261
2/6/2014	Feb 3,4,5	568	$284.00	$ 153.99	-$ 130.01	308
2/10/2014	Feb 6,7,8	391	$195.50	$ 135.28	-$ 60.22	271
2/13/2014	Feb 10,11,12	521	$260.50	$ 137.46	-$ 123.04	275
2/18/2014	Feb13,14,15	396	$198.00	$ 145.85	-$ 52.15	292
2/20/2014	Feb 18,19	373	$186.50	$ 135.94	-$ 50.56	272
2/24/2014	Feb 20,21,22	387	$193.50	$ 131.49	-$ 62.01	363
2/27/2014	Feb 24,25,26	509	$254.50	$ 206.31	-$ 48.19	413
3/3/2014	Feb 27,28 Mar 1	418	$209.00	$ 138.86	-$ 70.14	278
3/6/2014	Mar 3,4,5	515	$257.50	$ 122.04	-$ 135.46	244
3/10/2014	Mar 6,7,8	387	$193.50	$ 144.47	-$ 49.03	289
3/13/2014	Mar 10,11,12	503	$251.50	$ 198.00	-$ 53.50	396
3/17/2014	Mar 13,14,15	395	$197.50	$ 83.70	-$ 113.80	167
3/20/2014	Mar 17,18,19	446	$223.00	$ 171.88	-$ 51.12	344
3/24/2014	Mar 20,21,22	326	$163.00	$ 71.62	-$ 91.38	143
3/27/2014	Mar 24,25,26	348	$174.00	$ 79.89	-$ 94.11	160
3/31/2014	Mar 27,28,29	322	$161.00	$ 189.21	$ 28.21	378
4/3/2014	Mar 31, Apr 1,2	452	$226.00	$ 179.35	-$ 46.65	359
4/7/2014	Apr 3,4,5	416	$208.00	$ 113.63	-$ 94.37	227
4/10/2014	Apr 7,8,9	510	$255.00	$ 245.85	-$ 9.15	492
		15,649	$7,824.50	$ 5,112.65	-$2,711.85	10,225
Grand Total Collection	Ridership	Ridership Reported By LSF Tram	Should have Collected A			Ridership By

Date	Dates	A&B	& B	Collected	Difference	Collection
	Total:	31,939	$15,969.50	$11,414.58	-$4,554.97	21,091
Difference in Ridership Numbers:						-10,848

Table 1 demonstrates that there is a different of $4,554.97 between what should have been collected and what was collected from November 18, 2013 through April 10, 2014. There is also a difference of 10,849 between the number of riders that LSF reported and the number that actually paid the fare during the same time period. We expect the ridership to decrease even more once school is out for the summer.

TABLE 2: RIDERSHIP (January 2013 – May 2014)

MONTH	TRAM A RIDERS	AVERAGE	TRAM B RIDERS	AVERAGE
2013				
JANUARY	9,242	17.4	7,750	14.6
FEBRUARY	8,182	16.9	7,606	15.7
MARCH	8,182	15.1	7,306	13.5
APRIL	8,137	14.8	7,686	13.9
MAY	7,771	14.1	7,264	13.3
JUNE	6,508	13	6,028	11.6
JULY	5,781	12.6	5,825	10.7
AUGUST	7,993	14.3	6,911	12.5
SEPTEMBER	7,374	14.9	6,908	13.9
OCTOBER	8,742	15.2	7,873	13.6
NOVEMBER	5,467	11.6	4,813	10.3
DECEMBER	4,069	7.6	3,947	7.4
2014				
JANUARY	3,845	7.3	3,710	7.0
FEBRUARY	3,785	7.9	3,552	7.4
MARCH	3,725	6.9	3,450	6.4
APRIL	3,795	6.9	3,910	7.1
MAY	3,797	7.1	3,622	6.7

Table 2 demonstrates that ridership continues to drop since the fifty cent fare was instituted. Failure to maintain the 7.1 average during any six (6) month period shall constitute a breach of the agreement entitling the County to immediately terminate the same.

TABLE 3: AVERAGE RIDERS PER STOP (months of October 2013 and February 2014)

LOCATION	% RIDERSHIP
W. TERMINAL	12
WESTFIELD MALL	7
COVENANT VILLAGE	0
CENTRAL PARK(S)	1
LAUDERDALE WEST DR	2

CAMPANELLI BLVD	1
NW 17 ST/LAUDERDALE W DR	1
JACARANDA PLAZA	14
OMEGA (NW 75 AVE)	4
OMEGA (NW 17 ST)	5
METHODIST CHURCH	2
70 AVE/PLAN RD	8
LIBRARY/MUSEUM	2
COMM CENTER	1
NW 48/BROWARD	4
LAUDERHILL MALL	19
ST RD 7/NW 5 ST	3
JWCC	2
DEICKE AUD	1
PUBLIX	2
NW 69/4 ST	1
POLYNESIAN	1
CITY HALL	1
POST OFFICE	1

Should the City continue the TRAM service?

1. The City has not received the proposed Interlocal Agreement as of yet. There may be requirements in the new ILA that will increase costs and/or requirements to the City or its vendor. Staff would be unable to issue an RFP without knowing what the ILA calls for.
2. Staff has been told that Hallandale Beach has not awarded any contract for transportation services and the Davie vendor is not interested in allowing any piggybacking of the Davie contract.
3. Ridership continues to decline. County has 7.1 riders per service hour requirement.
4. Revenue to the City continues to decline. First three months (Nov. 13 – Jan. 14) loss was $2,113.77. Second three months (Feb. 14 – April 14) loss was $2,441.20.
5. County's two (2) proposed scenarios appear to meet the City's budget restriction of $220,000 per year; however, it is difficult, if not impossible to know if the proposed changes to the routes will maintain the 7.1 riders per service hour requirement.
6. Table 3 shows that the bulk of ridership is from the Lauderhill Mall to the BCT terminal and back.

Priscilla Richards, Strategic Ops Coordinator, and Ed Consaul, Director of Public Works, were present.

In response to Councilmember Stoner, Ms. Richards advised that we are collecting less money than we should. We do have a proposed ILA from Broward County. Even if you instructed them to do an RFP for a vendor after September 30, 2014, they do not know what is going to be required a bus let alone the vendor because we do not have an ILA. We do have a proposed change in routes that the County provided, as they were challenged to do the last time we brought this up. It is attached with the letter; however, there is absolutely no guarantee that we will be able to maintain 7.1 people per hour. Mr. Minney is not present this evening. Our numbers are going down and it is believed that they will be worse now that school is out. We are basically in limbo and the deadline is on September 30, 2014 for both the vendor's contract and the County ILA to terminate.

Mayor Bendekovic indicated that the bulk of the ridership is Lauderhill Mall non-residents. They are using our system as they wanted to go to one of their hubs. It is $220,000 and she does not know anyone that would want to wait with a head way of 45 minutes to a half hour and that is what the stops are; that was the options the County came up with. We gave them a challenge and she does not think they met the challenge because there should only be a ten-minute head way. We are requesting some type of direction because budget is coming up and we need to know whether we are going to keep or as of September we will no longer have it.

Councilmember Stoner commented that we have had a progressive drop off in ridership as well as people consciously choosing to not pay.

Councilmember Levy believes we have done everything possible to try and save the system. He thinks that we have spent the last two years reviewing the system and trying every way including charging a fee to see what would happen. If we do not have 7.1 riders per hour in the system it is ridiculous to keep it going.

In response to Councilmember Levy, Mayor Bendekovic advised that the total cost of the system is $220,000 to us that Broward County is supplementing.

Councilmember Levy stated that it is not working and is not feasible in our community. He is in favor of sunsetting it as of September 30, 2014. As much as he has concern for the people who definitely need it, especially Robert Stipes, who is considered blind and uses it regularly. He does not see how we can continue to spend $220,000. There are alternatives for people who are disabled and he thinks that he should look towards that. For Plantation he sees this as a loss and we have done our best; we have tried every possible way. He knows the $220,000 can be used elsewhere.

Councilmember Zimmerman agreed. We have asked the County for additional funding to help share the costs and they are not even present tonight.

Councilmember Jacobs was in favor of terminating the service.

Councilmember Stoner clarified that the consensus is to end the service in September.

* * * * *

LEGISLATIVE ITEMS

Mr. Morgan read item No. 17.

17. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE OF THE CITY OF PLANTATION, FLORIDA, PERTAINING TO THE SUBJECT OF COMPREHENSIVE PLANNING; ADOPTING THE ANNUAL AMENDMENT TO THE ANNUAL CAPITAL IMPROVEMENTS ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY OF PLANTATION; APPROVING TRANSMITTAL OF THE AMENDMENT TO THE DEPARTMENT OF ECONOMIC OPPORTUNITY AND THE RELATED AGENCIES FOR THE PURPOSE OF SUFFICIENCY REVIEW IN ACCORDANCE WITH FLORIDA STATUTES; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE THEREFOR.

A Staff Report dated June 11, 2014, to Mayor and City Council Members, from Laurence Leeds, AICP, Director of the Planning, Zoning and Economic Development Department follows:

SUBJECT: 1st Reading of Ordinance Approving Annual Capital Improvements Element Update.

Background: The State of Florida, pursuant to chapter 163, requires local governments to annually update their Capital Improvements Element (CIE) of their Comprehensive Plan. State Law requires the updated element include:

- Goals, objectives and policies describing how the City will maintain minimum adopted levels of service ("LOS") for sanitary sewer, solid waste, drainage, potable water, parks and recreation, schools (as per interlocal agreement) and transportation, and
- A schedule for completing projects required to maintain LOS standards for the next five years.

The five-year project schedule has been updated based on the recommendations of the various City departments. New language in the attached CIE is underlined; deleted language is ~~struck through~~. Please note also the following details:

Transportation CIP (New Page 1.106): Local Read CIP is provided as an information item. Four local projects are included for which there is no City funding. These projects are "placeholders" in the event sufficient County, State or Federal funding becomes available in the future.

Sewer and Water Main Rehabilitation CIP (Page 1.106): Please see Footnote 1 on Page 1.107. The Utility Fund narrative on Page 2.195 was prepared by the Planning Division and approved by Utilities.

Ability to Finance, Projections, Expenditures, Revenue, etc. (Pages 2.198 – 2.200). This information is taken from the City of Plantation CAFR, Finance Department, 2014.

Planning and Zoning Board Recommendation: On May 6, 2014, the Local Planning Agency (LPA) unanimously recommended approval of the proposed Ordinance (meeting minutes attached).

Staff Recommendation: Approve on First Reading.

Mr. Leeds explained that this is an ordinance that the City passes every year. It is required by the State of Florida Department of Economic Opportunity, formerly the Department of Community Affairs. He recommended that Council pass this on First Reading with the understanding that we are going to do some tweaking to this ordinance so it is compatible with the recently adopted Impact Fee Ordinance. This ordinance talks about concurrency with respect to parks. It is believed that the ordinance is consistent with the Impact Fee but they want to add some language to make sure there is no misunderstanding. That will be done between First and Second Reading.

Councilmember Levy noticed that one of the things on the Capital Improvement Plan has to do with parks. We are saying that our goal is four acres of park per 1,000 population.

Mr. Leeds advised that is the criteria in the Comprehensive Plan.

Councilmember Levy questioned if that is better than what the State recommends, which is normally three.

Mr. Leeds indicated that it is better than what the State and the County recommend; three per 1,000.

Councilmember Levy wants people to know that we are exceeding what is recommended to make Plantation even more special.

Mr. Leeds commented that we probably have more park land than most cities in the County.

Motion by Councilmember Jacobs, seconded by Councilmember Zimmerman, to approve Item No. 17. Motion carried on the following roll call vote:

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

* * * * *

Mr. Morgan read Item No. 18.

18. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE OF THE CITY OF PLANTATION, FLORIDA PERTAINING TO THE SUBJECT OF GROWTH MANAGEMENT; AMENDING THE CITY'S CODE OF ORDINANCES AS SAME PERTAINS TO COMMUNICATIONS TOWERS AND COMMUNICATIONS ANTENNAS; UPDATING THE CITY'S REGULATIONS IN LIGHT OF FEDERAL AND STATE PRE-EMPTIVE LAW; ESTABLISHING SUBSTANTIVE REGULATIONS FOR THE LOCATION, HEIGHT, AND PLACEMENT OF COMMUNICATIONS TOWERS THROUGHOUT THE CITY; ESTABLISHING AESTHETIC AND SAFETY REGULATIONS FOR COMMUNICATIONS TOWERS; ESTABLISHING PROCEDURES TO REVIEW APPLICATIONS TO INSTALL COMMUNICATIONS TOWERS; ESTABLISHING SUBSTANTIVE REGULATIONS FOR THE LOCATION, HEIGHT, AND PLACEMENT OF COMMUNICATIONS ANTENNA ON TOWERS AND BUILDINGS AND STRUCTURES AND OTHER FACILITIES THROUGHOUT THE CITY; ESTABLISHING AESTHETIC AND SAFETY REGULATIONS FOR SUCH COMMUNICATIONS ANTENNAS; ESTABLISHING PROCEDURES TO REVIEW APPLICATIONS TO INSTALL COMMUNICATIONS ANTENNAS; CREATING EXPEDITED REVIEW PROCEDURES THAT ENCOURAGE COLLOCATION CONSISTENT WITH STATE AND FEDERAL LAW; ESTABLISHING SUBSTANTIVE REGULATIONS GOVERNING INSTALLATION OF ANTENNAS AND ANTENNA SUPPORT POLES (I.E. STRUCTURES) IN MUNICIPAL AND NON MUNICIPAL RIGHTS-OF-WAY; AMENDING THE CODE OF ORDINANCES PERTAINING TO THE BOARD OF ADJUSTMENT REVIEW CRITERIA FOR APPLICATIONS THAT ARE AFFECTED BY THIS ORDINANCE; REPEALING MISCELLANEOUS CODE REGULATIONS IN CONFLICT WITH THE FOREGOING; ESTABLISHING OTHER MISCELLANEOUS IMPLEMENTING PROVISIONS THEREFOR; REVISING REGULATIONS THAT APPLY TO ROD AND SPIKE AND DISH ANTENNAS; ESTABLISHING "ZONING IN PROGRESS" SO THAT ANY APPLICATIONS RECEIVED WHILE THE CITY IS EVALUATING THIS PROPOSED ORDINANCE WILL BE SUBJECT TO SAME; PROVIDING FINDINGS; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

A Memorandum dated June 5, 2014, to Mayor and Members of the City Council, from Donald J. Lunny, Jr., City Attorney, follows:

Please consider this Memorandum a report concerning the Planning and Zoning Board's evaluation of the Draft Telecommunications Ordinance at its meeting of June 3, 2014. The Board's comments are in red text. The

Board hearing on the proposed Ordinance lasted for a few hours, and Staff was appreciative of the Board's efforts to meaningfully evaluate the matter.

The Boards are in order presented in the Staff Report for the item:

1. Because the review of new communication towers must be finished within ninety (90) days, the Administrative provisions of the Ordinance provide that the Plan Adjustment Committee (PAC) will review and approve these applications. The only waivers which may be approved by the PAC relate to landscaping and a decrease in tower height caused by reduced number of required collocation capacity. (See Lines 524-577). Any variance from the Ordinance's requirements must be considered by the Board of Adjustment. The Council has a "call up privilege"; however. (See Part 3: Lines 1317-1402).

   Staff is of the view that the above process will meet the statutory "90-day shot clock" requirements.

   Does the Planning and Zoning Board have any comments on the above process?

   The Board did not suggest that the process be changed. It supported using a development review mechanism that is already in place as opposed to creating a new one. It is agreed with the idea of using the PAC for Towers given the 90 requirement.

2. For both New Tower Installations and Antenna Installations, a "Scope" section has been added. (See lines 338 and 873). Staff believes that these kinds of installation should be subject to "building permit only" review. The Board is asked to review these sections in light of the definitions of "*Not a Substantial Increase in the Size of the Tower", and "Eligible Facilities Request"*. (See Lines 215 and 171 respectively).

   Does the Planning and Zoning Board have any advice on whether these types of installations should be exempt from zoning review?

   The revised definitions of "eligible facilities" and "not a substantial change to a size of the Tower" were reviewed, and the Board generally agreed with Staff that these kinds of matters should be largely subject to only building permit review.

3. The definition of "Stealth Design" (Line 254) allows the City Council to approve "typical schematics" that would be acceptable. The process for applying for such review is set forth in proposed Sec. 5.5-52. (See Line 318).

   Does the Planning and Zoning Board think this process should be retained or is helpful or should the Ordinance simply define "Stealth" without his process?

   The Board did not think the idea of approving typical "schematics" for stealth designs for antenna installation would be workable, and suggested that this be deleted. (The Industry representatives did not think the idea was worthwhile either).

4. The proposed height, setback, and aesthetic regulations for Towers are set forth in lines 636-746 (See Pages 15-17)

Does the Planning and Zoning Board have any advice it wishes to give to the council concerning the above standards?

Generally, the Board did not have any suggested changes to the proposed aesthetic regulations in terms of proposed heights and setbacks for the various zoning districts.

The Board did; however, make the following aesthetic recommendations:

a. The hedge height listed in lines 699 and 700 should be increased at time of planting to eight feet (8') tall to totally shield the compound.

b. The height of cabinets and shelters located in the compound should be increased to eight feet in recognition that the compound will be screened with an eight-foot fence or wall and a hedge of increased height.

c. Increase the size of the allowable compound. It was noted in the backup material that Staff had under consideration the recommended 750-square-foot limitation. The Board felt that given the increased screening the compound could be significantly larger.

On a final note, a few of the Board Members felt that the City should allow additional types of communications towers and not simply limit new installations to monopoles.

Possible other acceptable configurations might include clock towers and trees. It was noted that the definition of "Stealth" already defined a sixty-foot (60') tree as a stealth installation (but not anything higher than that).

5. The proposed aesthetic regulations for communications **antennae** on buildings are set forth in lines 937 – 894. Staff is particularly desirous of feedback on the proposed regulations for building installations. (See Lines 947-970).

Does the Board have any comment on Antenna Aesthetic regulations?

Generally, the Board did not have any suggested changes, and supported the language proposed.

6. State and Federal Law seemingly require that the City expedite approving additional locations of antennae on existing towers. The proposed substantive regulations are found in lines 985-1039.

Does the Board have any advice on these proposed regulations?

Generally, the Board did not have any suggested changes and supported the language proposed.

7. Part 2 of the Ordinance concerns Antennae on Utility Poles in Right-of-Way. The substantive aesthetic and safety standards for approving utility please in Municipal Rights-of-Way are contained in Section 5.5-72(e). The City Engineer will issue permits for these installations. (See Lines 1178-1292).

Does the Board have any advice on these proposed regulations?

The Board did not have much additional comment about these regulations, except in the area of how poles used for supporting FPL's Transmission Lines are to be used for communications antennae. Generally, the Board was concerned with allowing heights of up to One Hundred Thirty Feet (130') to support three collocations. The Board felt that it would be preferable to allow a smaller increase to the height of the Transmission Poles (to accommodate one [or maybe two antennas] and at the same time relax the five hundred-foot separation standard that would otherwise apply to these installations --- with the end result being that more Transmission Poles would have heights increased by a little opposed to a fewer Transmission Poles having heights increased substantially.

Staff recommends that the Council address this final matter with FPL representatives so that existing heights of transmission poles in the City and the proposed increases can be finalized.

8. Outside municipal rights-of-way, the same standards apply except that no permit is required. The Council desires input on the proposed maximum height limits for poles. (See Lines 1235-1245).

Does the Board have any advice in this regard?

Same comment as above.

Staff appreciates the input of the Members of the Planning and Zoning Board as to the above items.

Mr. Morgan advised that there has been a tremendous amount of personnel hours put into this ordinance by the Legal Department, Zoning Department, Council, and the Industry. This is something that is still a work in progress as we have another Industry meeting scheduled in a couple of weeks but it is consistent with applicable Federal and State Laws. He thinks that one of the things we tried to do with this ordinance is provide a simpler way for staff to receive applications and review them in a timely manner, which is required by law, and something that everyone can understand. All of the ideas, thoughts and considerations were taken into account and they have tried to draft an ordinance that is within the confines of the law and fair for the citizens, which is important. There is only so much that can be done given the confines of the State and Federal Law in this subject, but at the same time they want to be fair to the citizens when dealing with these issues.

Mayor Bendekovic commented that there is always going to be concerns by the Industry that they might not care for and what we are recommending but you have to remember that we have standards for our residents and they have a standard they want for their Industry. We have used an enormous amount of resources with the Legal Department and Zoning Department and she wants to move on from this and get is passed. We will have another chance to meet with the Industry after the discussion tonight and then we will come back for Second Reading.

Mr. Leeds indicated that this ordinance contains two parts. Part 2 relates to the construction of these towers on City rights-of-way, which in Plantation are adjacent to primarily single family homes. The City has much less authority to regulate these towers; there is a formula defining height but they could be in the 50-foot range above the crown of the road, and there is not too much we can do. When you consider the first half, keep in mind you have potentially miles and miles of City roadway where these smaller towers can be constructed. Part 1 is where we have spent a lot of time. One comment that came up at the Planning and Zoning Board was that the ordinance has changed. The reason the ordinance has changed; it really has not changed in terms of objectives, we have tried to meet the objectives of the City Council and obviously want to make sure that our

ordinance is legal. We want to maintain the same level of aesthetic standards that we have with respect to other parts of Plantation. He mentioned that the Planning and Zoning Board recommended approval of the ordinance that is before you with some changes. There will be some adjustments made. We have one more Industry group meeting and have had at least three or four group meetings with the Industry. We are not going to agree on everything but he believes it is time to move forward. There was also a comment that there will be a lot of variances. An ordinance cannot be designed based on how many variances are anticipated or not anticipate; it has to be designed based on the objectives of Council, the Planning and Zoning Board and the aesthetic criteria of Plantation. He thinks most of the people speaking to tonight will be speaking on Part 1, which deals with the towers and antennas on private property. Monopole towers, collocations to existing towers, which a lot are lattice type, and also stealth antennas attached to the side of a building or placed on top of a building. He does not think there is going to be a lot of discussion about the municipal right-of-way because the City has so little control.

Janna Lhota, attorney and resident of the City of Plantation was present. She agrees with the Mayor and staff that this has been a long process and there have been numerous meetings with the Industry. A point made at the Planning and Zoning Board meeting was that there have been substantial changes made to the ordinance that is different from the ordinance that we are working on with staff. It is their sincere desire to complete this process once and for all. They would welcome the opportunity to either have Second Reading deferred or possibly deferral of this meeting for two weeks in order to allow sufficient time for the Industry to meet. The point is that there is an Industry meeting scheduled for next Tuesday. When the date was proposed to her she advised that she was not available and will not be able to attend. She wants to make sure that there is an opportunity to hopefully once and for all resolve the issues with respect to the ordinance. With regard to the ordinance in front of you tonight, she takes issue with the fact that it complies with Florida and Federal Law. For example she referenced Pages 4-5, Lines 171 – 183; the definition of an eligible facilities request, which is a term of art under Section 64.9 of the Middle Class Tax Relief and Job Creation Act. It specifically excludes bay stations, which is specifically covered by that section. Another example is Page 11; Lines 447 – 450. This section provides requirements for certain affidavits and certifications that have to be provided in connection with an application for a new communication facility. That provides that the certifications are to be provided by a licensed engineer in the State of Florida. Section 471.003 of Florida Statutes specifically accepts from the licensure requirement in the State of Florida any engineers who are employed by an entity regulated by the PFC or the FCC. She understands completely as a resident that there are certain aesthetic considerations that need to be in the ordinance. She understands that as a City you want to have set setbacks for the protection of the residents. There are; however, certain provisions in this ordinance that are simply unworkable given other provisions in goals and objectives of the City. For example, the ordinance provides that the maximum compound size for a freestanding tower is 750 feet. That will only accommodate one provider yet your ordinance requires for facilities over a certain height, which is mostly all of them, have to be able to accommodate more than two, depending upon the height. That is something that needs to be considered. Another example is that the ordinance also provides that if there is another facility within one half mile of the facility that is being proposed and that facility can be structurally modified to accommodate your facilities, the new facility will be denied. If it is an existing freestanding communications facility that predated this code there is no obligation on that tower owner to structurally modify it to allow facilities. Those facilities are typically subject to a ground lease. If the ground compound needs to be expanded to accommodate it, even if the tower owner will allow it, and if the owner will not modify the lease, once again they are constrained and will not be able to go onto it. It is these types of things that the Industry would like to work out with the City so they can have a good working ordinance. In reading through the ordinance she noted that the sections were worded in the negative. For example, Division B which relates to the siting of new wireless communication towers. Instead of saying, "All new telecommunication towers are to be reviewed by the PAC" it goes in the negative to say what items are not considered by PAC. You also have to look at the definition section to see

what exactly is excluded instead of saying this goes here and this goes there. She believes that clarity will not only help the Industry but will help staff in their interpretation and implementation of the ordinance.

Councilmember Stoner questioned if these comments were shared at any of the meetings.

Ms. Lhota stated that some of the comments she specifically related to tonight are new to this ordinance. Over the last several months they have been working with an ordinance that the Industry sat down over a couple of day process and actually provided a red line that went back in September to Mr. Lunny and his staff. They met with Mr. Lunny and went through the ordinance, working with proposed changes. Since that time and about a week before the Planning and Zoning Board, they were given a new ordinance which was different in form in many respects and that is the one she has the comments for tonight.

Councilmember Stoner commented that it was different in form without any additional input.

Ms. Lhota thinks that is the Industry meeting they are going to have next week, which she will be unable to attend. She would appreciate a little more time to flush out the issues with this newest ordinance.

Councilmember Jacobs questioned if four weeks is enough time if this were passed on First Reading tonight.

Ms. Lhota believed that from her client's perspective that it would be; she cannot speak for other members from the Industry. She is committed to do whatever needs to be done in order to get this done once and for all.

Mayor Bendekovic questioned if they want to extend the moratorium. She also questioned when there is ever going to be a time when everyone can get together.

Councilmember Jacobs suggested passing it on First Reading tonight and there will be a Second Reading.

Mayor Bendekovic advised that we will meet with them in between. She understands that everyone has schedules and if they do not want it done we can do the moratorium or pass it on the First Reading and have the Industry come back and work on it.

Councilmember Jacobs questioned if Ms. Lhota could work with the 25th.

Ms. Lhota stated that they scheduled between First and Second Reading. A meeting has been scheduled for next Tuesday; however, she will not be able to attend.

Councilmember Stoner commented that she sees four people who are not available for the meeting. She would prefer to extend the moratorium and bring a really clean sharp First Reading back.

Mr. Morgan advised that he is prepared for that. The red lining in the ordinance was done to make it easier to read; there were not many changes. If the will is to remove the moratorium he has an ordinance with him that will accomplish that.

Mayor Bendekovic questioned that this be the last moratorium because we need to get this done. She understands wanting a clean copy to come back. The Industry has to understand that they have to be available when we ask them to be available; we cannot keep changing it because everyone has schedules during the summer. She would be happy to take any dates that would be all right and they can be provided to Ms. Slattery.

Mr. Morgan stated that there is always an opportunity to provide written comments.

Councilmember Stoner concurred with Mayor Bendekovic that this is the last chance. The next time it comes before Council we are going to entertain it.

Councilmember Levy and Councilmember Zimmerman were all right with this.

Councilmember Stoner clarified that we are going to extend the existing moratorium.

Mr. Morgan read the title as it was prepared in the prior ordinance but he has extended it for purposes of giving enough time due to schedules, etc., until September 30, 2014 so there is sufficient time in case there are some delays.

An ordinance of the City of Plantation pertaining to the subject of Moratorium, imposing a temporary Moratorium and processing of applications, permits pending approvals pertaining to installation or siting of telecommunication towers as needed to be defined by Federal Law or a wireless person telecommunication service antenna towers as defined by Chapter 5.5 of the Plantation City Code or tower as defined under Section 3651.72 Florida Statutes or any other communication facilities solely contained or mounted on single main tower as may be contemplated by Section 337.401 Florida Statutes; such moratorium being effective for any municipal public rights-of-way within the City of Plantation and for real property which is not vehicular, public right-of-way, including private property within Plantation; providing an expiry date; providing a savings clause; and providing an immediate effective date therefor.

In response to Mayor Bendekovic, Mr. Morgan advised that the extension will be until September 30, 2014.

Mayor Bendekovic indicated that July 9, 2014 is the only time we are going to have a full Council and there will be a presentation of all of the different options that we have at the budget time. The only other time there will be a full Council is August 27, 2014.

Councilmember Jacobs suggested it be brought back in four weeks with the intent that we are going to act on it whether the Industry can do it or not.

Ms. Slattery commented that four weeks would be July 23, 2014.

Councilmember Levy questioned if the suggestion was to pass it on First Reading and bring it back in four weeks so it becomes law after the Second Reading.

Councilmember Jacobs did not know which would be a better way to do it.

Mr. Morgan did not believe that it matters. It will pass on the Second Reading and will not come back if First Reading were passed tonight. If a moratorium is going to be done and not passed First Reading then the First Reading can be done in four weeks and we can have another discussion with the Industry.

Councilmember Jacobs stated that would be his wish; let's do the moratorium and bring it back in four weeks.

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

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

Motion by Councilmember Jacobs, seconded by Councilmember Zimmerman, to Defer Item No. 18 to the July 23, 2014 City Council Meeting. Motion carried on the following roll call vote:

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

Councilperson Stoner commented that is between Ms. Slattery and the Industry; it is coming back in four weeks.

Mayor Bendekovic advised that the meeting for the 17th will have to be cancelled and another meeting will have to be scheduled. They will have to be notified that the meeting has been cancelled.
Mr. Morgan clarified that we are going to continue working on the ordinance and bring it back on July 23, 2014.

Attorney Matthew Liebowitz was present. He noted that it is difficult to schedule meetings particularly during the summer. He has suggested to some of the Industry representatives that if they provide written comments in advance it would make it substantially easier to work through any of their questions. We will then know precisely what their issues are and can evaluate them.

Councilmember Stoner commented that we should not have to remind everyone of that. She thanked Mr. Liebowitz for reminding them.

Mayor Bendekovic advised that we will notify them next week of when the next meeting will be.

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QUASI-JUDICIAL CONSENT AGENDA - None.

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QUASI-JUDICIAL ITEMS

Mr. Morgan read Item No. 19 along with the waivers.

19. REQUEST FOR DEFERRED SITE PLAN AMENDMENT FOR MOTOROLA LOCATED AT 8000 WEST SUNRISE BOULEVARD.

A Staff Report dated May 14, 2014 to the City Council, from the Planning, Zoning and Economic Development Department follow:

REQUEST: Parcel split and approval of waivers in conjunction with the lot split.

EXHIBITS TO BE INCLUDED: Planning and Zoning Division report; subject site map; development review application; and Review Committee meeting minutes of January 28, 2014.

REVIEW COMMITTEE RECOMMENDATION: NO OBJECTION to the project moving forward for further review (January 28, 2014).

ANALYSIS:

The property is zoned I-L2P (Large Light Industrial District), is 77.5 acres in area and developed with a million-square-foot industrial complex currently occupied by Motorola and Motorola Solutions. The property is bound on the north by West Sunrise Boulevard, on the south and east by residential uses, and on the west by University Drive.

Placement of a communication tower at the southeast corner of Building 5 was approved by City Council on July 24, 2013 and is in for permitting. Relocation of rooftop antennas currently located on Building 2 to Building 1 was approved by the Plantation Adjustment Committee on November 7, 2013. Building permits are currently in review to relocate Motorola personnel from Buildings 2 and 4 to Buildings 1 and 3 and signs posted on the property indicate office space is available for lease on the site.

STAFF COMMENTS:
ADMINISTRATION:

1. Any change in the principle use of a building or site may require payment of impact fees pursuant to Ordinance No. 2485.

PLANNING AND ZONING:

Planning:

1. The proposed parcel split is consistent with the Industrial land use category on the adopted Future Land Use Map.

Zoning:

1. A unified control document is required to (a) avoid creating non-conformities on the two new parcels upon approval of the parcel split, and (b) to require access to all parking areas for new businesses that

are not part of the Motorola family. The applicant has established a trust account and has initiated contact and is currently working with the City Attorney.

2. The following items shall be completed before approval of a business license or permits for any new business that is not part of the Motorola family. This includes:
   a. The Unified Control Document shall be approved by the City Attorney, executed and recorded.
   b. Removal of any gates or barriers that restrict parking access (see No. 3 below).
3. The proposed parcel split produces an overage of parking on Lot A (Motorola site) and a deficit of parking on Lot B. (Lot A requires 592 spaces and provides 1,005 parking spaces, creating an artificial surplus on Lot A.) Lot B, which is the northern parcel, requires 1,932 parking spaces and provides only 1,473 spaces. If approved, all gates restriction access to various parking areas shall be removed upon use of the site by any new business not part of the Motorola family. This condition should be included in the Unified Control Document.
4. Parking was not required for the Wellness Center based on the assumption that is not open to the public. Please provide documentation confirming if this is or is not the case as it could change the parking analysis in No. 4 below.
5. The applicant has indicated that the existing cafeteria will be open to the employees and guests of the complex. Please provide a letter from the property owner confirming this is the case. If the cafeteria is opened to the public, a parking ratio of one space per 85 gross square feet will be required.
6. The applicant has indicated that the daycare will be open to the public once a daycare operator tenant has been obtained. Please update the parking calculations to reflect the required parking for this independent use as one parking space for 400 square feet, with 37 parking spaces required for the use.
7. As administrative adjustment to reduce the required parking by 152 spaces was Buildings 1 and 3 as a result of the Motorola consolidation. Additional information provided by the required revisiting the parking calculations. The administrative adjustment was intended to accommodate Motorola consolidation and was not intended to create a surplus of parking to be utilized for other changes to the site. Therefore, the administrative adjustment is amended from a 152-space waiver to a 78-space waiver. This amendment does not preclude the applicant from reapplying for an administrative adjustment in the future.

   Required and provided parking numbers, subject to clarification of wellness center, day care and cafeteria parking:

Overall Total Required	2,557
Overall Total Provided	2,479
Deficit	78

8. The applicant is requesting the following waivers:
   a. Section 27-559, which requires building setbacks of 25 feet from an interior property side or rear line, to provide:
      - No setback along the east, north and west property lines for buildings 1 and 3.
      - No setback along the south and west property lines for Building 5.
   b. Section 27-559, which requires a minimum lot area of 40 acres, to provide 27.23 acres for Lot A.
9. Provide a written waiver request amend the prior administrative parking waiver accordingly. Section 27-743 to provide 2,479 parking spaces in lieu of 2,485 parking spaces.

ENGINEERING DEPARTMENT: No objection.

TRAFFIC CONSULTANT: No objection.

DESIGN, LANDSCAPE & CONSTRUCTION MANAGEMENT: Staff has no comments on the site plan amendment as this request has no impact to the site landscaping.

BUILDING DEPARTMENT: No objection.

FIRE DEPARTMENT: No objection as to this site plan parcelization request with the understanding that this owner, and any other future owner, is aware that if and when these parcels are owned by separate entities then each parcel shall comply separately with all fire and life safety codes within its respective parcel, not shared and/or accessed with and/or thru the other parcel. The fire and life safety concerns shall be inclusive of, but not limited to, fire alarm system, fire sprinkler system, fire standpipe system, means of egress requirements, emergency power, and any other established fire and life safety systems.

POLICE DEPARTMENT: No comments.

UTILITIES: No objection to the site plan amendment.
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O.P.W.C.D.: No comments.

WASTE MANAGEMENT: No comment.

Mayor Bendekovic stated that Barbara Hall called her today; she wanted to make sure that all of the Council got the revised Fire Department comments. If she has to vote that conversation will have no impact on her vote.

Mr. Leeds explained that this is the beginning of a project that is an adapted reuse of the 1,000,000-square-foot Motorola complex at Sunrise Boulevard and University Drive. Motorola Solutions and Motorola Mobility will still be maintaining a presence here but there is a new owner of the entire property that is looking toward developing a campus technologically based park opposed to a single user. Staff is recommending approval of the lot split and the waivers subject to the new comments from the Fire Department.

Motion by Councilmember Jacobs, seconded by Councilmember Levy, to approve Item No. 19, subject to the new comments from the Fire Department. Motion carried on the following roll call vote:

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

* * * * *

Mr. Morgan read Item No. 20 along with the waivers.

20. REQUEST FOR SIGN SPECIAL EXCEPTION FOR FRESH MARKET LOCATED AT 12171 WEST SUNRISE BOULEVARD. PROPERTY DESCRIBED CENTRUM-ENSIGN PLAT 162-50 B A POR PAR B DESC AS: COMMSW COR PAR B, N 325.35, E 16, N 25 E 197.53, S 25, E 87.15, S 327, W 286.75, NW 13.85 TO POB OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. PROPERTY IS ZONED B-2L (LIMITED COMMUNITY BUSINESS DISTRICT).

A Staff Report dated June 11, 2014 to the City Council, from the Planning, Zoning and Economic Development Department follow:

SPECIAL EXCEPTION REQUEST:

REQUESTS:

1. From: Section 22-35(g), which allows one (1) wall sign on the front of the building limited to 60 square feet in area.
   To: Increase the size of the front wall sign from 60 square feet to 82.8 square feet.

2. From: Section 22-35(g), which allows one (1) wall sign on the side OR rear of the building limited to 30 square feet in area (1/2 the allowable size of the front sign).
   To: Increase the size of the side wall sign from 30 square feet to 82.8 square feet.

EXHIBITS TO BE INCLUDED: Planning and Zoning Division report; subject site map; Development Review application; and sign details.

ANALYSIS:

The subject site contains 2.4 acres zoned B-2L and is part of the 13.2-acre master plan known as Petsmart Plaza. The site is bound by a retention area within the master plan to the north, Sunrise Boulevard to the south, and commercial uses to the east and west.

The Fresh Market received approval from the Plan Adjustment Committee on March 20, 2014, to renovate the 24,869-squar4e-foot retail building and site formerly occupied by Border's Bookstore for use as a specialty grocery store. Façade improvements associated with this approval created a tower element at the southeast corner of the building that has balance facades facing south and east.

Section 22-35(g) of the code allows two wall signs for this building type. Wall signage for the store front (south) is based on one-square-foot of sign area for each lineal foot of store frontage, subject to a maximum of 60 square feet. Wall signage for the store side (east) may not exceed fifty (50) percent of the allowable front wall sign area. Given the storefront length of 147 feet, the allowable sign area is 60 square feet on the front and 30 square feet on the side. The applicant is requesting approval of an 82.8-square-foot comprised of flush mounted green channel letters on each side of the tower element facing south and east. If approved, the front sign area would be 22.8 square feet (38%) above code and the side sign area would be 52.8 square feet (175%) above code.

The applicant has also requested an administrative approval which is currently under review by staff to allow a "The Fresh Market" tenant panel on the Petsmart Plaza monument sign to have a green background with white letters in lieu of a white background with colored letters (existing).

Where applicable, the review of a Special Exception request should include consideration of the criteria noted in Section 2-11 of the Land Development Code, attached hereto.

STAFF COMMENTS:
PLANNING AND ZONING:

1. Staff does not believe the applicant's justification justifies the granting of the requested special exception. If the City Council is inclined to approve the sign special exception, staff suggests it be

based upon the size of the building (25,000 square feet) and visibility issues for east and westbound traffic unique to this site.

2. The site map indicates two ground signs and the south elevation indicates a third sign. These signs are not permitted and are not part of this review (a ground sign fronting Sunrise Boulevard, and off-premise "v" shaped construction sign, and a "coming soon" banner mounted to the south side of the building).

EXHIBIT "A"

SPECIAL EXCEPTION:

Where applicable, the review of a Special Exception request should include consideration of the criteria noted in Section 22-11 of the Land Development Code, attached hereto. The applicant is required to identify the following:

1. That special conditions and circumstances exist such as, but not limited to, building orientation, vehicular circulation or vision obstructions (not to include landscaping) that are peculiar to the land, structure, or building that create a site specific justification for the exception:

   The building is set back over 160' from the property line and Sunrise Boulevard causing inadequate visibility for vehicular traffic if the sign is less than the proposed 82.83-square-foot.

2. That a literal interpretation of the provisions of this Chapter would deprive the applicant of rights commonly enjoyed by other property of lands, structures, or buildings of similar character with identical special circumstances (non-conforming) signs shall not be grounds for issuing sign special exceptions), or alternatively, that a special exception from the provisions of this Chapter is warranted and justified to protect, preserve, or enhance the City's tax base or to prevent eradicate conditions of economic blight:

   Due to the deep setback, lack of visibility of signage would cause an economic blight in reduced customer traffic. The Fresh Market also requests the use of their nationally recognized logo color of Green 2030.

3. That the special conditions and circumstances do not result from the auction of the applicant.

   The building setback is not the result of the applicant's actions.

4. That the sign special exception to be granted is the minimum measure needed to address the special conditions and circumstances that justify the special exception; and,

   Will offset the setback of the building and poor visibility from Sunrise Boulevard. Allowing the nationally recognized logo color Green 2030 supports critical brand recognition.

5. That the sign special exception will be in harmony with the general purpose and intent of this Chapter and will not be injurious to the neighborhood, or surrounding property, and will not otherwise be detrimental to safe and convenient use of nearby rights-of-way.

   The Special Exception does not interfere with the right-of-way nor is it detrimental in any way to the neighborhood or surrounding area.

6. <u>That all other signage on the property is in substantial compliance with this Chapter, as applied.</u>

Other signage for the Fresh Market is applying for a Special Exception. Window vinyl and construction sign are in compliance.

_____

Mr. Leeds explained that this is a sign special exception for the Fresh Market; they are going to occupy the former bookstore that is just west of Party Supermarket and Pet Smart on the north side of Sunrise Boulevard, a little east of Flamingo Road. The criteria submitted by the applicant does not justify the granting of a special exception; however, if the Council is inclined to approve this they can do it based on the size of the building, which is 25,000 square feet, but also there is no supermarket in this part of the City serving this community. He thinks that would be the basis for granting the special exception. The use is unique and it serves a demand that may not currently be filled.

Denise Williams with Art Sign Company was present.

Ms. Williams stated that the signs Fresh Market is using are basically the signs they use at all of their locations. The front end of the building is large enough that the signs look appropriate. The building is 147 feet and the signs do not overwhelm the building. They want to use their nationally trademark colors but the green is not a far off green from the other green. They want signage on both sides of the building; they are 160 feet back from the road and there is a lot of landscaping. There is no grocery store in that area and they want to attract customers.

Mayor Bendekovic commented that really need the signs. That building has been empty for quite a while and it is going to be a welcome addition to the community. There are other supermarkets out that way but they are not in our City. Fresh Market brings a completely different venue to the neighborhood.

Mr. Leeds advised that the building is unique based on the size and it is a new supermarket in our City that serves the immediate area. The subject must comply with comment #2 that relates to some other signs they have suggested that will be discussed separately. The signs in comment #2 are not permitted by the code and the reason he is bringing up the rational is because he thinks it is very different than he has ever discussed before. Those signs are not before Council but you are stating the obvious and we are letting the applicant know that we are creating a record that they cannot build the signs that were presented under comment #2 without going through some additional procedure. It may require special exception but it is in the interest of full disclosure. They have received a copy of the staff report.

Councilmember Stoner clarified that we are only approving the walls.

Ms. Williams mentioned that the panel on the Pet Smart was also part of this, not the monument sign; this is a freestanding sign that already exists at the main entrance. They want their tenant panel that would be the green background with the white letters. They are working with Landscaping and Planning and Zoning to talk about the best place to put a sign out front if they are able to put one. Tonight the request is for the two wall signs and a panel in the existing pylon. The other sign you are talking about is a temporary construction sign; that will be gone soon.

In response to Mr. Morgan, Mr. Leeds advised that the sign on the pedestal is a freestanding sign that is not before you. The only thing that is before you is the wall signs. He noted that the panel is not part of the original application.

Councilmember Zimmerman questioned if that even needs to come to us; there is already a monument sign out there.

Mr. Leeds indicated that there are certain restrictions in terms of how big the panel is and the size of the letters. They are allowed a sign out there assuming the landlord grants permission but it has to meet certain requirements as to size, fonts and color.

Motion by Councilmember Jacobs, seconded by Councilmember Zimmerman, to approve Item No. 20. Motion carried on the following roll call vote:

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

* * * * *

Mr. Morgan read Item No. 21.

21. REQUEST FOR SITE PLAN, ELEVATIONS AND LANDSCAPE PLAN MODIFICATIONS, INCLUDING A REDUCTION IN ASSIGNED FLEX UNITS FROM 286 TO 269 AND REQUEST FOR A SITE PLAN MODIFICATION FOR THE LINEAR PARK (CAMDEN ATLANTIC).

A Staff Report dated June 11, 2014 to the City Council, from the Planning, Zoning and Economic Development Department follow:

REQUEST #1: Consideration of a request for site plan, elevations and landscape plan modifications, included a reduction in assigned flex units from 286 to 269.

REQUEST #2: Consideration of a request for a site plan modification for the linear park.

If the City recommends approval without comment, the site plan is approved subject to all recommendation in the "STAFF COMMENTS" portion of the report.

CURRENT WAIVER REQUESTS:

The City Council may recommend approval or denial of all waivers. If the Council wishes to approve some waivers and deny others, staff recommends the Council vote individually on each waiver. The Council may also approve waiver subject to conditions if they choose to do so. With the exception of the parking waiver, the remaining waiver requests relate only to the proposed Camden apartment building and not to Midtown 24 Phase I or the shopping center.

1. From: Section 27-624(c)(2), which requires a 20-foot setback on unclassified streets.
   To: Reduce west side setback to 12 feet.

2. From: Section 27-689, which requires one-bedroom units to be a minimum of 750 square feet in area.
   To: Reduce the size of 90 one-bedroom units from 750 square feet to a range of 689 square feet and 712 square feet (5% to 8% reduction).

The prior approval included a reduction in the size of both one and two bedroom units. This current waiver proposes a reduction in the size of one-bedroom units only. Also, the prior waiver reduced one-bedroom units 600-679 square feet less than the current waiver of 689 – 712 square feet.

3. From: Section 27-743, which requires 2,503 parking spaces based on the overall master plan mixed uses.
   To: Reduce required parking to 2,440 parking spaces (a 63-space deficit).

   Prior approved parking waivers allowed for a 41-space waiver in 2013 and a 66-space waiver in 2011.

4.* From: Section 13-40(a)(b)(c)(1) which states no landscaped area shall have any dimension less than f five feet.
   To: Reduce planting spaces at various locations less than five feet in width.

   LANDSCAPE STAFF COMMENT: *Provide minimum five-foot wide planting spaces.*

EXHIBITS TO BE INCLUDED: Planning and Zoning Division report, subject site map, conditional use/site plan application, and Review Committee meeting minutes of April 29, 2014.

REVIEW COMMITTEE RECOMMENDATION: NO OBJECTIONS to the project moving forward. (April 29, 2014).

ANALYSIS:

Project History:

The master plan property is located south of SW 6th Street and north of SW 10th Street between University Drive and SW 78th Avenue. On June 15, 2006, the City Council approved the original master plan, site plan, elevation, and landscape plan for a mixed use development including 478 apartments in two 12-story towers and the redevelopment and reconfiguration of the Fountains Shopping Center. The shopping center improvements and one apartment tower were completed by 2010.

On September 25, 2013, the City Council approved a revised site plan for Midtown Phase II. This proposal added 59 units (increasing the total number of units in both phases from 478 to 537) and revised the building configuration to an "S" shape, wrapping around both the pool/recreation area facing west and the parking garage facing east. The building entrance is located on the south side of the building in lieu of the west side as previously approved.

The Current Proposal:

The applicant is requesting approval of minor revisions to the building exterior and proposes a reduction in the number of units in the building from 286 to 269 (decreasing the total number of units in both phases from 537 to 520). If approved, the 17 previously assigned flex units will be put back into the City's flex unit inventory. The changes include:

a. The floor plans have been adjusted during the preparation of the construction documents. These adjustments lead to the elevation changes as well as changes in the unit mix and count. The building

footprint is generally the same as the September 25, 2013 approval, with the exception of the building on the west side, which has shifted one-foot closer to the property line at two areas.

b. There are changes to the building elevations, although the same materials are being used, along with many of the same elements. The new proposal adds tower elements to the north, west, and east elevations, balancing out the elevations.

c. The number of two-bedroom units has increased from 114 to 123, and the number of one-bedroom units has been reduced from 172 to 146.

d. Previously, the applicant requested waivers for the minimum size requirements for 132 of the 286 units (46%). Of these 132 units, 46 of the units were two bedrooms. The current proposal has eliminated the need for a size waiver for the two-bedroom units; 90 one-bedroom units will still require a waiver from the 750-square-foot minimum requirement, to reduce the size to 689 square feet (74 units) and 712 square feet (16 units), which is 33.4% of the 269 units proposed.

WAIVER REQUESTS PREVIOUSLY APPROVED ON SEPTEMBER 23, 2013:

1. From: Section 27-624(a)(v), which limits density to the equivalent site area (about 5.3 acres) and allows 132 units.
   To: Base density on combined retail and residential sites in the Fountains Complex to allow 286 units.

2. From: Section 27-689, which requires one-bedroom units to be a minimum of 750 square feet in area and two-bedroom units to be a minimum of 950 square feet in area.
   To: Reduce the size of 86 one-bedroom units from 750 square feet to a range of 600 square feet to 679 square feet (9% to 20% reduction); and
   To: Reduce the size of 46 two-bedroom units from 950 square feet to a range of 785 square feet to 879 square feet (7% to 17% reduction).

3. From: Section 27-624(c)(2), which requires a 20-foot setback on unclassified streets.
   To: Reduce north side setback to 18 feet.
   To: Reduce south side setback to 19.25 feet.
   To: Reduce west side setback to 13 feet.

4. From: Section 27-743, which requires 2,531 parking spaces based on the overall master plan mixed uses.
   To: Reduce required parking to 2,490 parking spaces (a 41-space deficit).

5. From: Section 27-742(m)(2), which requires a 25-foot minimum drive aisle width for two-way drive aisles in parking garages.

6. From: Section 27-747(d)(2), which requires a minimum of six off-street loading spaces.
   To: Provide two off-street loading spaces.

7. From: Section 27-626(b)(vi), which requires buildings having frontage greater than 250 feet in length to provide a pedestrian passageway between the street frontage and the rear of the building.
   To: No mid-building pedestrian passageway.

8.* From: Section 13-40(a)(b)(c)(1) which states no landscaped area shall have any dimension less than five feet.

***LANDSCAPE STAFF COMMENT:** Provide minimum five-foot wide planting spaces.*

STAFF COMMENTS:
PLANNING AND ZONING:

Planning:

1. The required responses to Section 19-67 have been received previously and have satisfied the necessary criteria.
2. Applicant shall contact Broward County School Board and obtain an updated public School Concurrency Determination.
3. Applicant is required to pay City impact fees at the Building Department prior to issuance of development permits.

Zoning:

1. In General:
   a. The prior approved waivers shall remain as is except for proposed new waivers to parking, unit size, and the west building setback.
   b. Provide an additional $3,500 trust account deposit for legal review of items c, d, e, and f below prior to submitting for permits.
   c. Linear Park: The linear park parcel, per the Broward County Property Appraisers Office, is owned by Residences at the Fountains Owners Association, Inc.
      i. Provide a separate application for the park, signed by the owner or president of the association.
      ii. Provide an owner's authorization signed by both owners allowing ADD Inc. to act as agent for the proposed project.

   d. If approved, revise the Developers Agreement with the City of Plantation to include the new site plan, change in flex units, and any subsequent changes since the agreement was last amended. The Developers Agreement shall be approved by the City Attorney and executed and recorded prior to issuance of any development permits. Estimated developer agreement review time, including applicant revisions requested by the City Attorney, can vary from 45 – 90 days.
      i. The current Developers Agreement requires completion of the linear park prior to issuance of a CO for Phase II. This condition shall also be included in the revised Developers Agreement.
      ii. The revised Developers Agreement shall establish who is responsible for construction and development of the park as well as the bonding requirements.
   e. The Unified Control Document dated December 28, 2006, was revised as part of the site plan review of the combined, master planned, mixed-use "Midtown 24/Fountains Shopping Center" project. The unified control document shall be updated to reflect the residential density reflected in this site plan. The document shall be submitted, reviewed and approved by the City Attorney and executed and recorded prior to issuance of any development permit.
   f. Vacation of easements shall be completed prior to issuance of building permits.

3. Floor Plans:
   a. Section 27-689, requires one-bedroom units to be a minimum of 750 square feet in area. Ninety (90) one-bedroom units are shown at 689 square feet in area and 712 square feet in area. The applicant is amending this waiver.

b. The applicant has removed the larger storage areas that were provided on floors 2-8, along the western edge of the parking lot, in order to increase the unit size. Staff has always maintained that resident storage lockers (not including closets in the apartments) are an important amenity. Revise the plan to provide the same storage capacity per unit as provided on the prior approval.

4. Elevation:
   a. The cap of the middle tower elements extends two feet beyond the tower face on three sides. Extend the caps of the middle tower elements two feet from the tower face on all sides, including the rear of the towers.
   b. Where the south and west elevations converge at the southwest corner of the building, the slate material has been extended to the tower element along the west elevation as requested. However, the slate material is not provided on the exterior walls of the ground balcony areas on the south and west elevations. Provide the slate material on the balcony (which is not part of a unit, but the fitness center) on the south and west elevations.

5. Parking and Loading:
   a. Total required parking for the entire Fountains Complex, including the proposed Camden building, is 2,503 parking spaces. The required parking count is based on the following:
      i. Council application of the SPI-3 mixed-use parking code (June 2006) to the Fountains Commercial and Residential complex (The medical office, the hotel, and three stand-alone outparcels along University Drive are not included), plus
      ii. A 98-space parking waiver to allow restaurants with outdoor seating in lieu of retail in the east-west "main street" buildings as the Fountains (Lime Fresh, Cheese Course and others).
      iii. A 66-space waiver (Midtown 24-Phase II) was approved by the Council May 25, 2011.
      iv. A 41-space parking waiver (Camden) approved by City Council September 25, 2013.
   b. Based on the above, 2,503 parking spaces are required for all residential and commercial uses in the Fountains complex; 2,440 spaces are provided, increasing the overall parking deficit to 63 spaces.
   c. The 2013 site plan provided 1.9+ parking garage spaces per unit, including ground floor visitor parking. The proposed 2014 plan provides 1.85 parking garage spaces per unit. Seven additional spaces are provided next to the building, 20 spaces around the linear park and 25 spaces between the back of Dick's Sporting Goods and the Medical Office Building. Additional parking may be available adjacent to the private park (between Dick's and Total Wine) for residents or guests arriving after 10:00 p.m.
      Staff cannot provide a recommendation on the parking waiver until the applicant provides a photoelectric plan demonstrating the linear park and parking area between Dick's and the medical office building comply with the minimum lighting standards of City Code, Section 27-750.
   d. Note: No reserved resident parking is shown on the garage-parking plan. If the parking waiver is approved, no parking shall be leased or reserved for individual units. Open parking provides maximum resident and guest flexibility within the parking garage.

6. Details:
   a. Note: All roof top equipment shall be screened in accordance with Section 27-653. Please note 27-653 is not based on line of sight. See Zoning comment #5(h).

TRAFFIC CONSULTANT: No objections.

ENGINEERING DEPARTMENT:

Changes in the residences are for unit size and elevations only and do not impact the previously approved site plan.

Linear Park Previous Comments

1. There are more changes to the City Council approved plans that indicated in the description.
   a. Lighting has been relocated and the detail does not include the base dimensions.
      04-14-14: There are no details for the lighting on the civil plans, they are not even called out. Please provide locations, dimensions and details.
      05-30-14: They are on some of the civil plans but are not labeled. The detail is in another section of the plans.
   b. The civil plans provided are missing sheets 3, 4, 7, 8, 10, 13, 14, 15. Sheet 17 is not listed in the index but is included. Please provide a complete set, correctly numbered.
   c. Stop bars must be a minimum of four (4) feet behind the crosswalk. Please revise.
   d. Parallel parking spaces must be a minimum of ten feet from pedestrian crossings. Please revise.

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 writing before this project will be released from this department to proceed to City Council.
- When responding to staff comments, please bubble plan changes and specify the page number corrected in the written responses.
- The applicant will be required to execute a developer agreement and post security for all engineering and landscape related improvements at time of permitting.
- 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.

Request for reducing the floor plan size of the assigned flex units with landscape modifications:
Site Plan:

1. Plans submitted show planting spaces less than the code required five-foot throughout the eastern side of the building; this is not sufficient planting space for code required trees.

Planting Plan:

1. Plans submitted propose the planting of Ligustrum trees with a 12-foot spread in a seven-foot planting space against the building; please clarify how you are proposing this planting.
2. Please make sure you use the "Hi-Rise" Live oak in tight planting spaces against the buildings.
3. Plans submitted proposed the planting of Crepe Myrtle trees in a four-foot planting space against the building with Thrinax palms within two feet of these trees; this planting will not work in the long run as the trees mature.
4. Staff has concerns with the tight planting spaces and the code required planting of trees and palms throughout the site.

Request for site plan modifications to the linear park:

1. Staff requests the placement of additional park benches throughout the linear park as previously discussed. As discussed, please space the benches throughout the park in lieu of placing them all in one or two areas – this will allow a visitor to rest and/or have some space in between the north and south seating.

BUILDING DEPARTMENT: No objection.

FIRE DEPARTMENT: No objection.

POLICE DEPARTMENT: No comments.

UTILTIIES: No objection; 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 applicable.
   - 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. Provide plan for vacating easements as necessary.
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. Full Utilities plan review and approval is required prior to permitting. No plans are for construction until marked "FINAL".

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

WASTE MANAGEMENT: No comments.

Mr. Leeds indicated that this is the third version of this building we have seen. This is a reduction in the number of units; we have gone from 286 to 269. The other change is that they have increased the size of the two-bedroom apartments and the one-bedroom apartments. They still require a waiver for the one-bedrooms but they are not going down to 600 square feet, they are only going down to about 675 square feet at the lowest. This plan is different; less units, bigger units and less of a waiver for the one-bedrooms in terms of size reduction. They are requesting a parking waiver. When the first Phase II of Midtown 24 came in the City Council granted a 66-space waiver. The property was then acquired by Camden and they needed a lesser waiver; a 41-space waiver. Even though there is a unit reduction there are not as many parking spaces required; we are supporting the plan subject to staff comments. The only comment is that we really cannot offer a recommendation in the parking; they are reducing the parking to 1.85. Mr. Laystrom will tell you that there are other projects in the City that are at that level. We do not have a problem with that but we need to see that the supplemental areas, the areas where people will park when they cannot find a place next to or in the building, have sufficient lighting. The applicant is permitted under the Unified Control Document to park in between the back of Dick's Sporting Goods and the medical office building. If there are plans that indicate that they meet the minimum foot candle level, which is really low, it is only one and should be higher, we do not have an objection with the parking waiver. Councilmember Stoner made a comment about parking at the Fountains. Most of the parking for this building will take place during the weekend and in the evenings but there may be guest parking that will not be entirely accommodated within the guest parking portion of the garage. That is why we are asking for the additional lighting.

Attorney Bill Laystrom was present.

Mr. Laystrom stated that the ratio Mr. Leeds mentioned is well above the ratios used in others. He mentioned photometrics and noted that there is a photometric included in the plan of the linear park. His architect advised that it is at 1.7 so they should be fine. He will accept that they have to be at whatever the minimum is. As far as providing a photometric plan for the back of the shopping center, those are not their lights and they do not have any specifications on those. They believe that their parking by itself meets the requirements of code subject to the waivers discussed many times before. The parking garage is unlimited access; they are not renting any of those spaces, which is one of the conditions of this report, which is fine with them. Once you get past the guest parking gate every other space is open. He believes there is sufficient parking and they will comply with the linear park. They requested relief from the requirement to create a new photometric plan for the back of Dick's Sporting Goods. If they submitted one, which he believes they would have with whatever plans they got approved from the Fountains Shopping Center, they are happy to use their expert between now and the time of building permit to review them, check the lights and make sure what the lighting levels are to the extent that they can change bulbs with the permission of the Fountains, which he is happy to contact. With regard to Waiver #4, they met with Danny Ezzeddine, Director of Building, Landscape and Construction Management, to go over the plans and confirm that they do not need that waiver; their plans are in compliance. They are in agreement with the rest of the comments.

Councilperson Stoner indicated that it does not change the fact that the parking is so difficult.

Mr. Laystrom advised that these cars not going to be parking at Five Guys; they are in the back where there is ample parking but no one wants to park there because they have to walk to Five Guys or any of the other businesses in the front. The reality is that their parking garage, based on what is seen at One Plantation Place or at Veranda, will have all of the parking needed for their residents. Staff has said they feel more comfortable if

they knew the outside parking available right around their site so they will have more than adequate parking. No one is going to go in the parking garage, use their guest parking and then walk to the front of the Fountains.

Councilperson Stoner thought the whole point of the linear park was to have events. She questioned where all of those people will park.

Mr. Laystrom commented that they are not going to park in their parking garage.

Mayor Bendekovic stated they will either have to park in the back or in front of Dick's Sporting Goods or Kohl's or wherever. It will be really tight and it is already tight.

Mr. Laystrom suggested that for those types of events that they park at the medical office buildings and across the street at the law offices. The intent of linear park events is to create the ambiance within Midtown so that people from their buildings are going to the event without getting in their car. Additional parking, if it is night time, would be the medical office building and other areas which would be to the west of the office park. The linear park is not designed for a major outdoor event.

Councilperson Stoner mentioned that someone said something about having movies out there light they had at Volunteer Park.

Mayor Bendekovic advised that they wanted to do movies in the gazebo park and that gazebo park is the area between Total Wine and Dick's Sporting Goods. They are allowed to have two special events a year. She requested that they let us know what dates they want the special events and they have to go through the special events process. She told them that the street will not be closed. They wanted to have it on a Thursday night on one side of the street and on the other side of the street; the screen will be on one side and the overflow on the other side. That is not going to work. She understands that it is part of marketing so she looked at the ordinance and saw that it had not been looked at since 1992. Things have changed since that time. We are currently looking at all of the shopping centers, making a chart and then the larger shopping centers like Westfield and the Fountains could possibly have four events per year and then there will be mid-sized events and smaller events. They are doing this on off nights. We are working with them and she is looking to speed up the process. She asked them how many special events have been vetoed over the years and there was only one. There is no need to come to Council because that delays it. We are looking at the whole process and she will keep Council updated. She is finding it so tight to have movies and to have the overflow on one side and the screen on the other side; that does not work in that area.

Councilperson Stoner believes that the goal is to promote foot traffic and business. She does not know that limiting the number of events per year is the end result that we are looking for.

Mr. Laystrom stated that they were on the same side in the meeting of trying to come up with a way to balance what they heard from the charette with the reasonable concerns. The Mayor expressed her concern regarding the location and suggested perhaps the linear park and he said he would check to see if that was an alternative and at the same time he told the applicant to get back with the Police Department to be sure that whatever choice they have fits in with their criteria because they are going to be the ones guiding us. They are trying to come up with a way to do it. The issue is the limitation of two events, at least with the case of Westfield and the Fountains. They have a couple of events that they always do and they do not want to give that up but at the same time they understand Council's concern with how many events there will be and now everybody does it. They were talking about limiting it to Midtown and maybe to the size of the property and perhaps some control

of what he calls content of what type of event they would have. This one is a movie series and the question is how many is the appropriate number. It is a challenge to try to work those things out.

Councilperson Stoner commented that we will not know until we try.

Mayor Bendekovic indicated that it is an ordinance so she will have to bring it back to Council. It is not a policy; it is an ordinance so she had to bring it back.

Mr. Leeds advised that he looked at the photometric plan and for the most part they do meet the minimum one requirement.

Councilmember Zimmerman questioned if Mr. Leeds read the calculation summary; the table with the minimum, average and maximum.

Mr. Leeds stated that one is so minimal; it really is not enough but that is what the code says. The only reason he brought it up was for supplementary parking is because the Council granted a very significant waiver for the shopping center for the law firm and much of their parking is located behind the building and the lighting is inadequate. If the area is not lit well people will be less inclined to use it; however, it looks like they are going to meet the minimum requirement.

Mr. Laystrom commented that his issue was whether or not he had the plan for the Dick's Sporting Goods side.

Mr. Leeds indicated that the lighting was not constructed; it was constructed by someone else. We will look at that. He mentioned the parking. This is the exact same ratio that is at One Plantation Place but he knows the Council is very concerned about parking.

Councilmember Zimmerman mentioned the building elevations and changes. He questioned if we changed the building elevation, the way it is laid out and the structure of the elevations; have we changed the architecture of the building?

Mr. Leeds advised that we have not changed the architecture. The applicant has made some minor modifications to the features shown on the roof; the tower caps. Some of them were moved around and a few other minor changes were made; they are not significant.

Motion by Councilmember Jacobs, seconded by Councilmember Zimmerman, to approve Item No. 21, granting the waiver, subject to staff comments. Motion carried on the following roll call vote:

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

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COUNCILMEMBERS' COMMENTS

Mayor Bendekovic wished everyone a Happy Father's Day.

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PUBLIC REQUESTS OF THE COUNCL CONCERNING MUNICIPAL AFFAIRS

John St. George, resident, was present. He mentioned the street light when coming out of El Dorado Estates onto Broward Boulevard. That light is very short and maybe they have 30 seconds to get traffic in and out and then they have to wait a long time. He questioned if there is any way to get an extra 60 seconds of drive time in and out.

Mayor Bendekvoic noted that may be an on demand light. We will take a look at it.

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Mr. Laystrom clarified one comment regarding storage and replacing storage. When they increased the unit sizes it was basically 8,000 square feet more into the units and the storage spaces. They changed that comment to work with staff to come up with some additional storage.

Mr. Leeds agreed and noted that he would delete the comment entirely.

Mr. Morgan advised that the public hearing would have to be reopened.

Motion by Councilmember Jacobs, seconded by Councilmember Zimmerman, to reconsider Item No. 21. Motion carried on the following roll call vote:

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

Motion by Councilmember Jacobs, seconded by Councilmember Zimmerman, to approve Item No. 21, granting all of the waivers, subject to staff comments and deleting staff comment #3B. Motion carried on the following roll call vote:

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

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SEALED COMPETITIVE SOLICITATIONS – None.

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WORKSHOPS – None.

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Meeting adjourned at 9:08 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