

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

March 9, 2016

The meeting was called to order by Councilmember Chris Zimmerman, President of the City Council.

1. Roll Call by City Clerk:

Councilmember:	Ron Jacobs Robert A. Levy Lynn Stoner Peter S. Tingom Chris P. Zimmerman
Mayor:	Diane Veltri Bendekovic
City Attorney:	Donald Lunny
City Clerk:	Susan K. Slattery

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2. Opening remarks were made by Mayor Bendekovic.

The Pledge of Allegiance followed.

3. The minutes of meetings held February 10, 2016 and February 24, 2016 were approved as presented.

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ITEMS SUBMITTED BY THE MAYOR

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

- The aquatics team is hosting 700 swimmers who will be participating in a national level meet on March 10 at Central Park Aquatic Facility
- Parents Night Out at Plantation Central Park on March 11
- Multi-family Garage sale at Volunteer Park on March 12
- Auditions for the Tinsel Town Cabaret Show will be at Volunteer Park, March 12
 - The show is scheduled for May 6
- Equestrian Kids Day Off – March 18
- Spring Break Camp – Plantation Central Park, March 18 & March 21 – 25
- Share a Pony Camp – March 21 – 25
- Tennis Camp – Frank Veltri Tennis Center, March 21 – 25

Mayor Bendekovic made the following announcements:

- Friends of the Library luncheon and fashion show – March 12
- The deadline to submit photos for the 2017 Plantation calendar is April 29th. The theme is Animals of Plantation
- GFWC Antique and Garden Show – Volunteer Park, March 19 & 20
- Royal Easter Egg Hunt – March 26 at Pop Travers Park
- Easter Buffet – Plantation Preserve, March 27
- Farmers Market – Volunteer Park, every Saturday

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CONSENT AGENDA

Items 9 and 10 were removed from the Consent Agenda and voted on separately.

4. Request for approval to participate in the SE Florida Co-Operative Bid for the "Supply & Delivery of Unleaded Gasoline & Diesel Fuel" from MacMillan Oil Co. of Florida Inc. of Hialeah, FL terminating 03/31/2017 with two additional two year renewals possible (Budgeted-All Departments) RFP No. 14-A-035
5. Request to award contract for RWWTP Upgrades Project (RFSP No. 037-15) to J.Kirlin Florida LLC in the amount of \$8,570,100.00, and award Hazen & Sawyer, a not-to-exceed amount of \$849,000 for Construction Management Services (CMS) on this project. (Funding: 405-Utility System Revenue Note - Series 2013)
6. Request for authorization to execute/exercise the second (final) of two (2) one- (1-) year renewal options with American Water Chemical for "supply & delivery of Zinc Orthophosphate" at \$0.52/per lb in accordance with City of Plantation ITB No.025-14 until July 31, 2017 (Budgeted-Utilities)
7. Request for authorization to execute/exercise the second of four (4) one- (1-) year renewal options with Harn R/O Systems, Inc. to furnish & deliver Avista Technologies Vitec 5100 scale inhibitor at rate of \$3,550.00 per tote in accordance with City of Plantation ITB No. 020-14 until June 30, 2017 (Budgeted-Utilities)
8. Request for authorization to exercise/execute the second (final) of two (2) two- (2-) year renewal options with Pump Station Maintenance Services, LLC in accordance with City of Plantation RFP No. 066-12 "Lift Station Maintenance & Monitoring" contract until June 30, 2018 (Budgeted-Utilities)
11. **RESOLUTION #12230**
Resolution approving agreement for Midtown Update between the City of Plantation and Keith & Schnars, PA.

12. **RESOLUTION #12231**
Resolution approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period February 18, 2016 through March 02, 2016 for the Plantation Gateway Development District.
13. **RESOLUTION #12232**
Resolution approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period February 18, 2016 through March 02, 2016 for the Plantation Midtown Development District.
14. **RESOLUTION #12233**
Resolution approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period February 18, 2016 through March 02, 2016.
15. **RESOLUTION #12234**
Resolution approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period February 18, 2016 through March 02, 2016 the City of Plantation's Community Redevelopment Agency.

Motion by Councilmember Tingom, seconded by Councilmember Levy, to approve the Consent Agenda as presented with the exception of Items 9 and 10, which were voted on separately. Motion carried on the following roll call vote:

Ayes: Tingom, Jacobs, Levy, Stoner, Zimmerman
 Nays: None
 Mayor Bendekovic voted affirmatively on Item No. 15.

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9. Mr. Lunny read Item No. 9 by title.

ORDINANCE #2543

Second and Final Reading of an **Ordinance** of the City Council of the City of Plantation, Florida pertaining to retirement; updating General Employees Retirement System code to comply with statutory requirements; updating the Firefighter's Retirement System to clarify establishment of present values; providing a savings clause; providing a repealer clause; and providing an effective date.

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This item was pulled by Dennis Conklin for commenting purposes.

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Motion by Councilmember Tingom, seconded by Councilmember Levy, to adopt Ordinance No. 2543 on second reading. Motion carried on the following roll call vote:

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

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10. Mr. Lunny read Item No. 10 by title.

RESOLUTION #12235

Resolution of the City of Plantation, Florida, authorizing an amendment to the estimated revenues and expenditures for Fiscal Year 2016; providing for severability; and providing an effective date.

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A memo from Anna Otiniano, Financial Services Director to the Mayor and Members of the Council follows:

This resolution approves the budget amendments and the amended budget for FY 2016 that is included in the corresponding attachment. The resolution amends the budget of the General Fund, Road and Traffic Control, 2013 Note Construction, Designated Capital Improvements and Reserves, Utilities Operations and Maintenance, Plantation Preserve Golf Course and Storm Water Utility.

A summary of the budget amendment components for the General Fund, Road and Traffic Control, 2013 Note Construction, Designated Capital Improvements and Reserves, Utilities Operations and Maintenance, Plantation Preserve Golf Course and Storm Water Utility are provided below.

GENERAL FUND

The resolution increases the General Fund by \$4,233, 148. The budget increase is due to the roll forward of capital expenditures in the amount of \$3,505,148; and an increase to the Salary & Wages and Benefits in the amount of \$728,000. This increase in Salary and Wages is due to the Salary Study bringing employees to the new minimum range and approved by Council on August 26, 2015.

2013 NOTE CONSTRUCTION FUND

The resolution increases the 2013 Note Construction Fund by \$111,157. This increase is due to the roll forward of capital expenditures.

DESIGNATED CAPITAL IMPROVEMENTS & RESERVES FUND

The resolution increase the Designated Capital Improvements & Reserves Fund by \$55,281. This increase is due to the roll forward of capital expenditures.

UTILITIES OPERATION AND MAINTENANCE FUND

The resolution increases the Salary & Wages and Benefits of the Utilities Operation and Maintenance Fund by \$136,734. This increase in Salary and Wages is due to the Salary Study bringing employees to the new minimum range and approved by Council on August 26, 2015.

PLANTATION PRESERVE GOLF COURSE FUND

The resolution increases the Plantation Preserve Golf Course Fund by \$8,750. This increase is due to the roll forward of capital expenditures.

STORM WATER UTILITY FUND

The resolution increases the Salary & Wages and Benefits of the Storm Water Utility Fund by \$15, 194. This increase in Salary and Wages is due to the Salary Study bringing employees to the new minimum range and approved by Council on August 26, 2015.

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This item was pulled by Councilmember Zimmerman for commenting purposes.

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Motion by Councilmember Jacobs, seconded by Councilmember Tingom, to approve Resolution No. 12235 as presented. Motion carried on the following roll call vote:

Ayes: Tingom, Jacobs, Levy, Stoner, Zimmerman

Nays: None

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ADMINISTRATIVE ITEMS – NONE

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LEGISLATIVE ITEMS

16. Mr. Lunny read Item No. 16 by title.

PUBLIC HEARING AND FIRST READING OF AN ORDINANCE OF THE CITY OF PLANTATION, FLORIDA, PERTAINING TO THE SUBJECT OF ELECTIONS; AMENDING THE CITY CHARTER SO AS TO CHANGE THE CHARTER PROVISIONS ON QUALIFYING DATES FOR MUNICIPAL GENERAL ELECTIONS IN VIEW OF THE CHANGE IN THE DATE OF SUCH ELECTIONS TO NOVEMBER 2016 AND EACH TWO (2) YEARS THEREAFTER RESULTING FROM ORDINANCE NO. 2480 AND THE REFERENDUM HELD ON NOVEMBER 4, 2014; CHANGING THE DATE OF THE ANNUAL ELECTION OF THE PRESIDENT AND PRESIDENT PRO TEM OF THE CITY COUNCIL IN VIEW OF THE CHANGE OF THE CITY'S GENERAL ELECTIONS TO NOVEMBER; MAKING CHANGES TO THE SPECIAL ELECTION QUALIFYING PERIODS SO AS TO MORE CLEARLY STATE THAT THE CHARTER PROCEDURES APPLY ONLY WHEN THE TIME TABLE SPECIFIED CAN BE REASONABLY ACCOMMODATED BY THE SUPERVISOR OF ELECTIONS AND TO ESTABLISH DIFFERENT PROCEDURES WHEN THIS CANNOT OCCUR; PROVIDING OTHER IMPLEMENTING CHANGES FOR THE AFORESAID REFERENDUM AS WELL AS THE REFERENDUM APPROVING THE ONE YEAR RESIDENCY QUALIFYING REQUIREMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

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A memo from Donald J. Lunny, City Attorney to the Mayor and Members of the Council follows:

I. Summary

In 2011, Broward County Ordinance No. 2011-19 became effective. This Ordinance amended the County's Ethics Code so as to make same applicable to municipal elected officials, and adopted regulations concerning the acceptance of gifts, outside and concurrent employment, lobbying, honest services, solicitation and receipt of contributions, procurement selection committees, financial disclosures, advisory opinions, and training and education. In response to the 2011 County Ordinance, the City adopted three (3) implementing Resolutions, namely, Resolution No.'s 11400, 11547, and 11559 (collectively, the "Prior Ethics Resolutions").

In 2015, the Board of County Commissioners adopted Broward County Ordinance No. 2015-55, a copy of which is attached as Exhibit "1". While this Ordinance became law on December 15, 2015, portions of the Ordinance become effective in the future, as explained below. The 2015 County Ordinance was adopted to address certain areas which were not previously regulated but which would benefit from uniform County-wide rules, address problematic provisions so as to clarify same, and strengthen the ethics regulations, and require increased use of standardized forms. As a result of County Ordinance 2015-55, it is necessary for the City to repeal the Prior Ethics Resolutions, and to create some new implementing administrative provisions by promulgating a new Resolution.

II. Action Proposed

1. Adopt a Resolution which repeals the Prior Ethics Resolutions and creates new administrative provisions; and
2. Determine whether to confirm the existing Twenty-Five Dollar (\$25.00) Lobbying registration fee or change such fee.

III. Discussion

A proposed Resolution is attached as Exhibit "2". Notably:

1. Lobbyists were previously required by County Ordinance No. 2011-19 to complete contact logs for "Lobbying Activity" which occurred on City property, and elected officials were required to complete "contact logs" for Lobbying Activity which occurred by phone, internet, or off City property.

A number of changes were made in County Ordinance No. 2015-55 to address contact logs for Lobbying Activities. First, the definition of "filed for public inspection" was changed so as to allow information to be directly inputted by a Lobbyist into the City's searchable database through the internet and with an electronic signature. When this occurs, the information is deemed "filed for public inspection." (See Exhibit "1" Ordinance, page 5, lines 1-2). Second, as of April 1, 2016, the new County Ordinance will allow elected officials of local governments who have their contact log system set up in this manner to no longer be required to make Lobbying Activity contact logs; instead, the burden for doing so falls solely on the Lobbyist (See Exhibit "1" Ordinance, page 14, line 21 – page 17, line 14).

City implementing efforts:

- A. Since the adoption of the 2015 County Ordinance, the Information Technology Department and City Clerk has been making changes to the City's contact log reporting system so as to enable any registered Lobbyist to directly input through the internet and into the City's searchable database the information required for the contact log. The work has been completed, and the system has been tested successfully. Upon being registered as a Lobbyist, an online user name and password will be assigned to the Lobbyist, so that remote access can be made. However, it will be very important for elected officials to confirm that a Lobbyist has registered prior to allowing Lobbying Activity to take place. Therefore, as of April 1, 2016, Plantation's elected officials will not need to complete contact logs for Lobbying Activity (see Exhibit "1" Ordinance, page 17, lines 3 – 14)
- B. Notwithstanding the foregoing, the elected officials will continue to need to make "*Jennings disclosures*" of any *ex parte* communications at the commencement of a hearing for a quasi-judicial matter.

- C. The proposed implementing City Resolution for the 2015 County Ordinance maintains the \$25.00 Lobbyist registration fee, (see Exhibit “2” Resolution, line 193). Attached as Exhibit “3” is a survey of other Broward municipalities with regard to whether they have a fee, and if so the amount. Direction is requested as to whether the City wishes to increase the Lobbyist registration fee.
2. The 2015 County Ordinance changed provisions concerning elected official training by focusing on “quality” rather than “quantity”, and by making the annual periods for training more uniform. The former eight (8) hour training annual requirement has been replaced with a four (4) hour training requirement, two (2) hours of which must be “interactive.” The training will be over a “term year,” and so provisions in the Prior Ethics Resolutions allowing a City elected official to choose among a term year, fiscal year, or calendar year for his or her applicable training period need to be repealed. However, because of the phased in change to November elections, other administrative provisions are necessary, and are proposed in the draft Resolution. They are:
- A. The new four (4) hour requirement applies to term years first commencing after November 15, 2015. Since Plantation’s Charter amendment becomes effective in May of 2016, all of the City’s elected officials’ first “term year” will run from March-March, until a November election changes the commencement date of a future term year from November – November (see Exhibit “2” Resolution, lines 93-100).
- B. For Council Groups 3, 4, and 5, after November 8, 2016 the new term year associated with such seats will commence three (3) days after the November 8, 2016 election. This will create a need to pro-rate the training requirement for the current and decreased term year (i.e. March 2016 – November 2016), so that the prorated amount of required training will be all that is needed in this interim time period (see Exhibit “2” Resolution, lines 102-114). A similar provision has been added for the term year affected by the November 6, 2018 election (see Exhibit “2” Resolution, lines 116-128).
- C. Any elected official who obtained training under the 2011 County Ordinance for their former annual period can prorate such training, and a portion of any excess credit can be carried forward and allocated to the new annual period. An example of how this works is included in Section 5A of the Resolution (see Exhibit “2” Resolution, lines 138-160). The same concept will apply for any excess training obtained during the applicable March – November shortened term (see Exhibit “2” Resolution, lines 161-180).
- D. Attached as Exhibit “4A” and “4B” are the new Forms that will need to be completed concerning annual training and filed within thirty (30) days after the end of a training period.

3. Pursuant to County Ordinance No. 2011-19, elected officials did not need to make disclosures concerning charity or fundraising events which were “*sponsored by*” the governing body of the City. Since this was an undefined term, the Prior Ethics Resolutions defined for Plantation what would be required for these matters to be “*sponsored.*” In County Ordinance No. 2015-55, these matters must now be “*formally approved.*” Since the County standard has changed, the prior Resolutions’ provisions in this regard need to be repealed and replaced.

City implementing action:

The draft implementing Resolution (see lines 71-87) defines for Plantation how charity or fundraising events are “formally approved,” as follows:

“For purposes of determining whether a charity or fundraising event is “*formally approved by the official’s governmental entity*” for purposes of Sec. 1-19(c)(5)a.4., Broward County Code, any of the following actions will be required:

- i. The charity or fundraising event is specifically identified and approved as part of the City’s budget where an appropriation is planned;
- ii. The charity or fundraising event is identified as being sponsored by the City in a Resolution promulgated by the City’s governing body; or,
- iii. The charity or fundraising event is identified as being sponsored by the City in a motion made to that effect which is adopted by the City’s governing body and which is later reflected in the Minutes of the Meeting at which such Motion was passed.

The City shall not be required to expend funds or incur expenses of any type as a condition precedent to “formally approving” a charity or fundraising event.”

Attached as Exhibit “5” is the Form which is now required for these matters and which must be filed within fifteen (15) days of the elected official soliciting funds for a charity or fundraising event which is not “formally approved” by the City.

4. The 2011 County Ethics Law had a number of problematic provisions in the area of gifts. For example, no “gift” of any value could be received from a Lobbyist, Contractor, or Vendor. This created confusion where, for example, water or beverages at a meeting were offered, training was provided, or condolences given. These impractical provisions have been modified so that gifts under Five Dollars (\$5.00) in value can be accepted, items customarily given to express condolences and sympathy are permitted, non-alcoholic beverages may be accepted, and training may be accepted. (See Exhibit “1” Ordinance, page 10, line 7 to page 11, line 7). These and other changes make the amended County regulations more practical and less of a trap for the unwary.

Important in this regard is that the County Ethics Law’s definitions of a “Contractor” and “Vendor” have been clarified and the former provisions concerning “prospective vendors” have been eliminated. (See Exhibit “1” Ordinance, lines 5 – 13 [Vendor], and page 3 lines 14 – 15 [Contractor]. Before these changes, the Prior Ethics Resolutions defined a “prospective vendor” as person or entity who was an unsuccessful proposer over the prior three (3) year period. The

2015 County Ordinance only requires a two (2) year “look back” (See Exhibit “1” Ordinance, page 8, lines 5 – 14), and so there is no need for the former City provisions, which are being repealed.

Elected officials are now permitted to receive admission tickets to charitable events open to the public, provided: (1) that a form is filed within fifteen (15) days of receipt of such tickets (the form being attached hereto as Exhibit “6”); and (2) the donor is reimbursed for the value of food and beverages consumed by the person using the tickets within thirty (30) days of attendance.

5. Three (3) other changes in the new County Ordinance deserve mentioning, although no City implementing provisions are being proposed:
 - A. The 2015 County Ordinance expands the definition of “outside or concurrent employment”, and includes a definition of “remuneration”. (See Exhibit “1” Ordinance, page 7, lines 7-13 and 16 – page 8, line 4). Notably, profit and other distributions are included in the definition of remuneration; however, the 2015 County Ordinance allows reporting of remuneration by range (i.e. “50,000 - \$100,000, over \$100,000”). (See Exhibit “1” Ordinance, page 13, lines 1 – 9). A filing date for the County form has been established (July 1 after the year in which remuneration is received), and the required form is attached to this Memorandum as Exhibit “7”.
 - B. The 2015 County Ordinance clarifies that elected officials may attend a meeting of a Selection/Evaluation Committee in the procurement process provided they do not “*actively participate or otherwise interfere in*” the meeting. (See Exhibit “1” Ordinance, page 21, line 22, page 22, line 3). The Mayor may attend and participate in these meetings because the County Ethics Ordinance makes a distinction for “Strong Mayors”.
 - C. The 2015 County Ordinance allows requests for City Attorney advisory ethics opinions to be oral, and requires any written advisory opinion furnished for reliance by the elected official to be filed with the County.
 - D. Finally, for campaigning:
 - i. All campaign finance disclosures required by law must be filed for public inspection with the City. This may be met by providing a link on the City’s database to the other governmental agencies where disclosures have been filed, if such other disclosures are maintained by such other governmental entity is a “searchable by internet” public data base. (See Exhibit “1” Ordinance, page 19, line 22, page 21, line 4).
 - ii. When soliciting campaign contributions for other candidates for public office, a standard form is required to be filed within fifteen (15) days of the solicitation of funds. (See Exhibit “1” Ordinance, page 20, lines 13 – 14). The form required is attached to this Memorandum as Exhibit “8”.

IV. Conclusion

This Resolution is now ready for consideration and adoption as an Administrative Agenda Item. Direction is requested as to whether the registration fee should be changed.

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Motion by Councilmember Stoner, seconded by Councilmember Tingom, to pass the Ordinance on first reading. Motion carried on the following roll call vote:

Ayes: Tingom, Jacobs, Levy, Stoner, Zimmerman

Nays: None

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17. Mr. Lunny read Item No. 17 by title.

PUBLIC HEARING AND FIRST READING OF AN ORDINANCE OF THE CITY OF PLANTATION PERTAINING TO THE SUBJECT OF ENVIRONMENTAL CONTROL; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AMENDMENT TO FRANCHISE AGREEMENT FOR: (1) THE COLLECTION AND DISPOSAL OF SOLID WASTE (EXCLUDING CONSTRUCTION AND DEMOLITION DEBRIS) WITHIN PLANTATION, AND (2) THE COLLECTION AND PROVISION OF SERVICES WITH RESPECT TO CERTAIN RECOVERED MATERIALS GENERATED BY RESIDENTIAL SITES WITHIN PLANTATION SO AS TO EXTEND SAME TO SEPTEMBER 30, 2017 AND PROVIDE OTHER TERMS AND CONDITIONS; AMENDING SECTION 10-7 OF THE CODE OF ORDINANCES TO REFERENCE SUCH FRANCHISE EXTENSION; AMENDING THE FRANCHISE REGULATIONS IN SECTION 10-7.6 FOR THE CITY'S CONSTRUCTION AND DEMOLITION DEBRIS FRANCHISES SO AS TO RESERVE THE CITY'S GOVERNING BODY'S ABILITY TO GRANT SUCH FRANCHISES BY ORDINANCE WITHOUT FOLLOWING THE COMPETITIVE PROCUREMENT PROVISIONS OTHERWISE REFERENCED THEREIN, AND TO GRANT REPLACEMENT FRANCHISES BY RESOLUTION UNDER CERTAIN CIRCUMSTANCES; APPROVING AMENDMENTS TO CERTAIN CONSTRUCTION AND DEMOLITION DEBRIS FRANCHISES; MAKING OTHER PROVISIONS APPROPRIATE TO IMPLEMENT THE FOREGOING; PROVIDING RECITALS; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

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A memo from Donald J. Lunny, City Attorney to the Mayor and Members of the Council follows:

As a result of reviewing a competitive procurement effort recently, the Council determined to extend the Waste Management Exclusive Collection Franchise for one (1) year, and to keep the City's Construction and Demolition Debris Non-Exclusive Franchise Program separate from the Solid Waste and Residential Recycling Exclusive Collection Franchise Program.

Attached, please find a draft Ordinance with various exhibits. The "high-points" are as follows:

Part I. Waste Management Exclusive Franchise Extension

1. Section 1 of the Ordinance amends the reference in the City Code to the Waste Management Exclusive Franchise so as to inform the Code reader that such Franchise will expire on September 30, 2017. (See Line 42).
2. Section 2 of the Ordinance approves a draft Third Amendment to Franchise Agreement to extend the term of the exclusive franchise to September 30, 2017. The draft Third Amendment is Exhibit "1" to the Ordinance and starts on Line 138. The Third Amendment contains a \$100,000.00 programmatic contribution to the City. While the document indicates that the intent is for the City to use the contribution to defray the costs of its municipal solid waste and residential recycling programs, the money can be deposited into the City's General Fund and used for any municipal purpose. In order to provide the programmatic contribution, Waste Management will require a 1.50% adjustment to its commercial rates for the September 30, 2016 – October 1, 2017 extension term, which would be in addition to other rate adjustments allowable by its Franchise, except that Waste Management has agreed to forego the CPI Adjustment on the blue bags for the extension term. Staff estimates that the CPI adjustment on or about October 1, 2016 will be 1.1%. Staff recommends approval of the foregoing, and the documents include provisions to this effect. (See Lines 230-244).
3. The Exhibit 1 Third Amendment contains other provisions similar to those in prior amendments, but which were necessary to "bring them forward, so-to-speak," by referencing the Third Amendment.

Part II. Non-Exclusive Construction & Demolition Debris Program

1. As the Council may recall, the last competitive procurement of the Construction Demolition Debris ("C&D") franchises resulted in four (4) providers, which was desired to give persons engaging in construction activity a choice in this competitive area of the market. One provider has since surrendered its franchise. A second provider has determined not to extend again. A third provider has been effectively acquired by (or is controlled by) Waste Management, and the Administration was informed very recently that this provider will not extend its franchise. Waste Management, the fourth provider, will extend its franchise.

Therefore, the City currently will have only one provider during the extension term which the Administration wishes to address.

Section 3 of the Ordinance changes the City's C&D regulations, principally so as to allow the City to grant replacement franchises by resolution so as to try to keep the number of C&D franchisees in the City as close as possible to the number contemplated as of the last competitive procurement. (See Lines 72 - 83). Any new provider will need to have the City Council authorize the provider's signing same franchise agreement, as amended, as enjoyed by Waste Management. The existing form of agreement allows the City a "without cause" termination upon sixty (60) days advance written notice.

2. Section 3 of the Ordinance also clarifies that the City has reserved its power to grant C&D franchises by ordinance, without regard to the regulations in the code, which may be useful at some point in the future. (See Lines 62 - 63).
3. Section 4 of the Ordinance approves the form of the draft amendment to the Waste Management C&D Franchise for a two (2) year period so that it will expire on September 30, 2018. (See Exhibit "2" to the Ordinance, starting on Line 323).

This draft Ordinance is now ready for consideration and approval at First Reading as a Legislative Item.

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Motion by Councilmember Jacobs, seconded by Councilmember Tingom, to approve the Ordinance on first reading. Motion carried on the following roll call vote:

Ayes: Tingom, Jacobs, Levy, Stoner, Zimmerman

Nays: None

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QUASI-JUDICIAL CONSENT ITEMS

18. Mr. Lunny read Item No. 18 by title.

Resolution # 12236

RESOLUTION CONSENTING TO THE PARTIAL RELEASE OF THAT CERTAIN SIDEWALK EASEMENT, APPROVING THAT CERTAIN PARTIAL RELEASE OF CITY OF PLANTATION INTEREST IN UTILITY EASEMENT AND ACCESS EASEMENT; PROVIDING FINDINGS; HAVING THE APPROPRIATE CITY OFFICERS EXECUTE SAME AND AUTHORIZING THE CITY ADMINISTRATION OR CITY ATTORNEY TO EFFECTUATE SAME; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

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Motion by Councilmember Jacobs, seconded by Councilmember Tingom, to approve the vacation the sidewalk, utility, and access easement "AMLI Crossroads" located on the north side of Peters Road. Motion carried on the following roll call vote:

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

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QUASI-JUDICIAL ITEMS

19. Mr. Lunny read Item No. 19 by title.

RESOLUTION APPROVING A 1,100 SQUARE FOOT MASSAGE ESTABLISHMENT (EZRELAXATION) AS A CONDITIONAL USE TO BE LOCATED IN A SPI-3 ZONING DISTRICT ON PROPERTY LYING IN SECTION 9, TOWNSHIP 50 SOUTH, RANGE 41 EAST AND DESCRIBED AS TRACT 2 ACCORDING TO THE PLAT OF "BROWARD MALL AT PLANTATION", AS RECORDED IN PLATBOOK 91, PAGE 24, OF THE PUBLIC RECORDS OF BROWARD COUNTY FLORIDA, AND GENERALLY LOCATED ON THE SOUTHWEST CORNER OF WEST BROWARD BOULEVARD AND UNIVERSITY DRIVE (WESTFIELD BROWARD MALL); PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

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Motion by Councilmember Jacobs, seconded by Councilmember Tingom, to defer the item to the March 23, 2016, City Council meeting. Motion carried on the following roll call vote:

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

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Councilmember Stoner excused herself from the meeting.

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20. Request to approve Sign Special Exception for Jamba Juice / Bruegger's located on the south side of Peters Rd approx. 750' west of University Drive (PP16-0005)

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Motion by Councilmember Jacobs, seconded by Councilmember Tingom, to defer the item to the March 23, 2016, Council meeting. Motion carried on the following roll call vote:

Ayes: Tingom, Jacobs, Levy, Zimmerman
Absent: Stoner

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COMMENTS BY COUNCIL MEMBERS

Councilmember Zimmerman was selected as the City's representative for the Broward League of Cities. Councilmember Stoner was selected as the alternate and Councilmember Tingom as the second alternate.

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PUBLIC REQUESTS OF THE COUNCIL CONCERNING MUNICIPAL AFFAIRS

- Rod Feiner – Japanese Auto Care, 991 S. State Road 7 – he stated zoning does not allow garage use at that location and the code does not allow a use variance to be applied for. Mr. Feiner requested staff work on a code amendment to allow a use variance to be applied for. The Council instructed staff to work with Mr. Feiner and the consultant.
- Patrick Neptune – He spoke about abuse of the 911 system.
- Dennis Conklin - 4581 NW 6 Street – He commented on the Strata approval.

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Meeting adjourned at 8:45 p.m.

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Councilmember Chris Zimmerman, 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 _____, 2016.

Susan Slattery, City Clerk