

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

FEBRUARY 1, 2006

The meeting was called to order by Councilwoman Uria, President of the City Council.

Roll call by the City Clerk:

Councilmember:	Diane Veltri Bendekovic Jerry Fadgen Robert Levy Rico Petrocelli Sharon Uria
Mayor:	Rae Carole Armstrong
City Attorney:	Donald J. Lunny, Jr.

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The invocation was offered by Councilman Fadgen.

The Pledge of Allegiance followed.

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The City Council Minutes for January 11, 2006 were approved as printed.

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IV. ITEMS SUBMITTED BY THE MAYOR

Resolution No. 9557

RESOLUTION of Appreciation to Carol Yaccarino for 13 years of dedicated service to the City of Plantation.

- AND -

Resolution No. 9558

RESOLUTION of Appreciation to Cecilia Harrison for 10 years of dedicated service to the City of Plantation.

Motion by Councilman Fadgen, seconded by Councilwoman Uria, that Resolution No. 9557 and 9558 be approved and adopted. Motion carried on the following roll call vote:

Ayes: Petrocelli, Bendekovic, Fadgen, Levy, Uria
Nays: None

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Jim Romano, Director of Parks and Recreation, announced the annual Doggie Palooza Dog Expo would be held Saturday, February 11, 2006 from 10:00 a.m. to 3:00 p.m. at Happy Tails Dog Park, 6600 SW 16th Street. Admission is \$1.00 for people. Canines are free. Donations will benefit Pet Rescue.

Mr. Romano also announced the Park East Trailhead Dedication on Saturday, February 4, 2006 at 10:00 a.m. at 4680 NW 9th Court. All residents were invited.

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V. CONSENT AGENDA

As a Commissioner of the CRA, Mayor Armstrong had a voting privilege on Item CA-8.

Item CA-4 was removed from the Consent Agenda and discussed separately.

Mr. Lunny read tonight's Consent Agenda by title.

CA-1. Approve purchase of six vehicles for \$123,689.80 from World Ford and Maroone Chevrolet located in Pembroke Pines, Florida. (budgeted – Fire)

CA-2. Approve Change Order #39 for \$55,458.06 and Change Order #41 for \$19,253.92 to Wadsworth Golf Construction Company; Additional Services No. 10 for \$54,130 to Miller Legg and Associates and direct purchase of a Lake Recharge Pump Station for \$33,888 to Irrigation Craft. (Plantation Preserve)

CA-3. Approve purchase of replacement membranes for the Central and East Water Treatment Plants from Koch Membrane Systems for \$192,752.01. (budgeted – Utilities)

Resolution No. 9559

CA-5. **RESOLUTION** for the appointment of a Telecommunications Coordinator for the City's Police Department; fixing the annual compensation to be paid for said administrative/professional position; and the appointment of an individual to said administrative/professional position. (Suzanne Plunske)

Resolution No. 9560

CA-6. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for January 19, 2006 through January 25, 2006. (Plantation Midtown)

Resolution No. 9561

CA-7. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for January 19, 2006 through January 25, 2006.

Resolution No. 9562

CA-8. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for January 19, 2006 through January 25, 2006. (CRA)

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

Ayes: Petrocelli, Bendekovic, Fadgen, Levy, Uria
Nays: None

Note: Mayor Armstrong voted affirmatively on item CA-8.

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CA-4. Approve Plantation Preserve Golf Course & Club Plantation employee discount rates.

Mr. Lunny read Item CA-4 by title.

A memorandum dated February 1, 2006 to Mayor and Members of City Council from James S. Romano, Director of Parks and Recreation, follows:

The analysis prepared by Paul Scott of Guidant Management was provided. Please note that the figures show both the potential revenues to be generated with a city employee discount and also without an employee discount. The gross difference equates to \$80,566.00.

According to Mr. Scott's research, the following cities do not provide discounts for their employees: Pembroke Lakes, Miami Shores and Miami Beach. However, Miami-Dade County provides a 30% discount for their employees.

At this time we would recommend that this item be approved.

Councilman Fadgen felt it was not unusual for discounts to be given in order to increase activity and traffic. It was his view the objective of the employee discounts would be to draw in more revenue and it makes sense to do so.

Councilman Petrocelli expressed concern with regard to projections. He suggested moving forward with the discounts for a year and revisiting the issue next year to determine whether the program was successful or whether it needs to be adjusted.

Mayor Armstrong indicated the analysis was prepared by Guidant Management and the figures appear to present a positive projection. She agreed that there is a good justification for putting this program in place with a review on an annual basis.

Councilwoman Bendekovic emphasized Guidant will also be reviewing the figures on an annual basis since it is their objective to make money. It was her observation that Guidant has done a wonderful job in Wellington. She supported the discount.

Mr. Scott advised corporate discounts are available.

Councilwoman Uria was opposed to giving discounts to the employees. She felt perhaps other organizations or groups should be considered for discounts first.

***Motion by Councilwoman Bendekovic, seconded by Councilman Fadgen, to approve Item CA-4 as presented.
Motion carried on the following roll call vote:***

Ayes: Petrocelli, Bendekovic, Fadgen, Levy
Nays: Uria

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VI. ADMINISTRATIVE ITEMS – None

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VII. LEGISLATIVE ITEMS – None

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VIII. QUASI-JUDICIAL CONSENT AGENDA

Resolution No. 9563

QC-1. **RESOLUTION** approving the Orphe-Grant Site Data Record and providing an effective date therefor.

The Planning, Zoning and Economic Development Department Staff Report and Recommendations follow:

WAIVER REQUESTS:

From Section 20-75, to waive development regulation applicable to City Council approval within nine (9) months of Review Committee approval.

EXHIBITS TO BE INCLUDED: Planning and Zoning Division report; aerials; application; and Review Committee Meeting minutes of November 23, 2004.

REVIEW COMMITTEE RECOMMENDATION: Motion to recommend **APPROVAL** subject to staff comments (9/0; November 23, 2004).

ANALYSIS:

The property consists of 1.04 gross acres and .759 net acres given the .281-acre dedication for right-of-way associated with NW 124th Avenue and NW 2nd Street. The proposed site data record is consistent with the Estate (1) Future Land Use map designation but does not meet the minimum lot size requirements of the RS-1EP zoning district in that the lot size has been decreased to 32,736 square feet due to right-of-way dedications. Section 23-106(d), of the code states that lots may be reduced below the 35,000-square foot lot size requirement through the dedication of rights-of-way for public purposes.

The Review Committee originally recommended the site data record for approval on September 23, 2003. The applicant is seeking a waiver from Section 20-75 "Time limits on review committee recommendations, which requires development permits to be completed within 9 months of such recommendation. The proposed site data record did not complete the review process and receive City Council approval within the 9-month requirement.

The appropriate approvals from the Legal Department, Engineering Department, Utility Department, and Plantation Acres Improvement District have been received. The executed local concurrency review form and required impact fees have been provided. Subsequent to the issuance of a building permit, a final Mylar showing all required signatures must be provided.

STAFF COMMENTS:

PLANNING AND ZONING:

1. This proposal requires a clearing permit from the Building Department to determine wetland resource impact and consequent mitigation (Sec. 5-205).

ENGINEERING DEPARTMENT: No comments.

Councilwoman Uria indicated this property was not the thrust of her concern but noted that in the platting process of Plantation Acres, the green areas of the properties are decreasing in size.

Mr. Lunny explained that when the Plantation Acres community was in the process of being built, public roads were needed. The City did not have funds to pay owners for property to build roads. Therefore, the Council and Mayor at that time agreed that if the land owner gave the road right-of-way to the City, the City would not require the property owner to recapture that acreage in order to meet minimum standards. It was recommended over the years to make all the provisions consistent and say that if right-of-way were given without the City being required to pay for it, the City would allow the property owner to size down for development. Council may wish to increase the dimensional requirements for all development going forward but the law may require some compensation or accommodation to owners who have given the City roads with the understanding that it would not be counted against them. His position was that nothing would be due and that the City has the ability at any time to change its zoning, but it might face some litigation in that respect.

In response to Councilwoman Uria regarding the fact that Plantation Acres is a horse community, Mr. Lunny advised the City could not face litigation because for years it has implemented the one-per-acre land use plan standard in this fashion by having zoning that defines a builder's acre, and now in some cases, less. The land use is implemented with zoning, and staff has no authority to take the contrary view that 43,500 square feet should be applied in defiance of the zoning law on the books today. He advised if Council wishes to address it, an ordinance could be evolved that would increase the acreage size or change the dimensional size of remaining property in Plantation Acres, and then implement it.

Ms. Berkley expressed concerns with regard to this provision. She noted there is no minimum and she has seen lots come down at 27,000 or 28,000 square feet. She advised she would be glad to review the matter but felt it would take some research. She concurred with Mr. Lunny that since so much of Plantation Acres is built out, there are probably properties that have been purchased without meeting 35,000 square feet and they may have houses on both sides so that they cannot buy additional property. She suggested that after researching the matter, perhaps a minimum size could be established.

Mr. Lunny cautioned that trying to retract or change the City's history where there are title transactions that define their acreage differently would be a challenge, and there may be considerable concern regarding this matter.

It was Mayor Armstrong's understanding that the minimum was 35,000 square feet.

Mr. Lunny advised the matter has been extensively debated and amended several times.

Councilwoman Uria reiterated the square footage has gone down. She referenced homesites on the corner of NW118th Street and Sunrise Boulevard which are supposed to be one acre sites but consist of only about 32,000 square feet of green area.

There was a consensus to gather the information for Mr. Lunny's review, after which it could be discussed at a workshop prior to writing an ordinance.

In response to Councilman Fadgen, Mr. Lunny clarified that in order to have a horse in this community, the property must be located in the RS-1EP Zoning District and have a buildable lot. In some cases, the buildable lots are so small because of free right-of-way and the size of the house, that it can no longer be fair to the horse.

Mikki Ulrich with Deni Land Surveyors, Inc. testified she was previously sworn in and understood the rules governing the hearing.

She indicated this particular property is surrounded by platted lots and dedicated rights-of-way.

Motion by Councilman Fadgen, seconded by Councilwoman Bendekovic, that Resolution No. 9563 be approved and adopted. Motion carried on the following roll call vote:

Ayes: Petrocelli, Bendekovic, Fadgen, Levy, Uria
Nays: None

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IX. QUASI-JUDICIAL PROCEDURES - None

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X. CONSIDERATION OF COUNCIL MEMBERS' COMMENTS AND PUBLIC REQUESTS

Councilman Levy announced the appointment of Attorney Loretta Kenna as an alternate to the Planning and Zoning Board.

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Councilwoman Uria advised the Horse Show at the Equestrian Center this past weekend was very well attended.

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Mr. Lunny requested an Attorney/Client session pursuant to Section 286.011(8), Florida Statutes, between Mayor Rae Carole Armstrong; Council President, Sharon Urias; Council President Pro tem Jerry Fadgen; Councilmembers Diane Veltri Bendekovic, Dr. Robert Levy, and Rico Petrocelli; City Attorney Donald J. Lunny, Jr.; Chief Labor Counsel Jim Crosland and Denise Heekin; to discuss negotiations and strategy for pending judicial Litigation in connection with:

Jude W. Diaz, Rosa Allen-Meizoso, Deven Anderson, Katherine Barnet, Joseph A. Bornstein, Norman L. Enrich, Stephanie Kluver, Eric J. May, Thomas Neri, Jeffrey S. Poole, Sivy Del Rosario, Suzette Terheun, Bernard Tribie, James Daniel Williams, Rita Adams, Eugenio M. Camatala, Amy L. Coale, Rachel C. Diaz, Tracie Davis Srbovan, Beatriz T. Stilwell, Thomas M. Tofexis, Plaintiffs, vs. the CITY OF PLANTATION, Florida Defendant.

United States District Court, Southern District of Florida, Case No. 05-60757-CIV-UngaroBeneages.

This Attorney/Client session shall commence at, or as soon as possible after, 6:00 p.m. and shall last an estimated 1.5 hours, on Wednesday, February 22, 2006. This is a private meeting which will be held in the Mayor's Conference Room wherein the only persons authorized to attend pursuant to the above referenced statute are Mayor Rae Carole Armstrong; Council President Sharon Urias; Council President Pro tem Jerry Fadgen, Councilmembers Diane Veltri Bendekovic, Dr. Robert Levy, and Rico Petrocelli; City Attorney Donald J. Lunny, Jr.; Chief Labor Counsel Jim Crosland and Denise Heekin, Esq. and a certified transcribing court reporter.

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Councilwoman Urias indicated she and Economic Development Coordinator Wayne Burns would be meeting this week with a wireless Internet provider that may be able to be incorporated into Midtown and the Plantation Gateway Development Districts for the business sections.

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Councilman Levy requested the Mayor and Administration review the proposal from FP&L to consider the possibility of starting a program of locating electrical wires underground wherever possible, and perhaps having a referendum on the matter. The project will require bond money and FP&L will contribute 25% of the costs. He referenced other cities with underground lines whose power was restored relatively quickly after Hurricane Wilma.

Mayor Armstrong indicated this represents an area of study that the City will investigate. She observed it is a significantly large dollar amount. Federal and State funding could also be explored.

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George Lord, resident of Country Club Estates, commented on the cost of a traffic study done several years ago to improve Peters Road entranceway and installation of an entranceway sign.

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Dennis Conklin, resident of Park East, commented regarding the Neighborhood Planning Program. He observed traffic calming was the number one priority of the residents. Streetlights were also a concern. He commented on the canal backing the homes on NW 34th Avenue homes, noting there is a large overgrowth.

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XI. WORKSHOPS

1. CONTINUED DISCUSSION CONCERNING THE PROPOSED ECONOMIC DEVELOPMENT AD HOC COMMITTEE

This Item was previously discussed at the City Council Meeting of January 25, 2006.

Mayor Armstrong noted that she met with Ms. Berkley and Mr. Burns to review options or alternatives with regard to the Ad Hoc Committee.

Wayne Burns, Economic Development Coordinator, addressed some of the concerns presented last week. He spoke briefly on timeframes and suggested perhaps the sessions could be conducted on a quarterly basis rather than monthly. With regard to inclusion of the residents, he suggested a caveat could be incorporated that would require each appointment to be a resident. Non-voting members may provide input and value during the process but would not actually be part of the appointed committee. He also reminded Council that this is a business plan and that is why some of the suggestions were slanted toward people involved in the business community. He was hopeful this strategic business plan could be implemented to determine how the City can best help the existing businesses and attract additional businesses that would expand the tax base and improved the economic conditions.

In response to Councilman Levy, Mr. Burns suggested following the suggested guidelines for appointments as closely as possible with regard to the composition of the members, thereby providing a cross section and diversity. He also felt quarterly meetings may be as valuable as monthly meetings.

Councilman Fadgen did feel the objective could be accomplished with a charrette and he advised he would like to follow as closely as possible the program outlined by Mr. Burns. It was his feeling that after meeting for a few months, the committee itself may decide to meet less frequently for the remainder of the one-year period.

Councilwoman Bendekovic concurred with the recommendations presented by Mr. Burns.

Each Councilmember selected a category and will make an appointment accordingly. A resume should be included if possible. Mr. Burns was hopeful the appointment process could be completed by February 8, 2006 in order to allow time to meet with appointments. Mr. Burns expected to launch the committee the first week of March.

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B. DISCUSSION CONCERNING NEIGHBORHOOD PLANNING

A memorandum dated February 1, 2006 to Mayor and Members of City Council from Marcia E. Berkley, Director of Planning, Zoning and Economic Development, follows:

Background

Neighborhood Planning serves as a process whereby multiple City Departments, community organizations, citizens and local stakeholders coordinate efforts to identify needs, and establish a method for delivering a wide range of services at the local neighborhood level. Neighborhood planning generally provides a more responsive and interactive environment for residents to express their concerns and needs. The Neighborhood Planning process generally includes the following five steps: 1) Inventory of existing conditions; 2) Needs assessment – Neighborhood Survey; 3) Neighborhood discussion of vision for the future; 4) Goals, objectives and policies; and, 5) Implementation schedule/Capital Improvement (end product). The development of the plans has also helped with capital project planning.

In July of 1999, City Council authorized planning staff to initiate a neighborhood planning program. The City was divided into 20 designated neighborhoods and the first neighborhood plan was initiated.

Discussion

The City has already adopted Neighborhood Plans for 7 neighborhoods: Park East, Country Club Estates, Lauderdale West, Plantation Acres, Plantation Isles/Harbor, Plantation Gardens, and Mirror Lake, which are nearly completed or in the implementation phase.

Planning staff and residents have been enthusiastic about the Neighborhood Planning process as it is a way to work together with the citizens to help resolve perceived problems and put into motion a plan to improve their neighborhood and engender a renewed sense of pride in their community.

Staff is working toward developing neighborhood plans for the balance of the neighborhoods throughout the City.

Mayor Armstrong observed that the dollar amounts were put in place with an understanding that these were the target amounts necessary in order to implement the elements of the project. However, in approving them, it did not mean that the budgeted funds were available. Therefore, they have tried to create an environment through which they could attain funds and designate through the budgeting process where the projects could be implemented. Many of the projects were funded by CDBG funds and other funding took some time in the implementation. The key for the neighborhood plans was for them to be ongoing works in progress and they would continue to work with the neighborhood groups in order to strategize being able to complete whatever they put in place. She advised the traffic calming program was one that was discussed at Council level in its formulation stages a number of times. The Engineering Department is responsible and they continue to work within the approved program to monitor and identify elements that have come out of the homeowners' associations.

Ms. Berkley presented a brief overview of the program.

With regard to Mr. Conklin's concerns, Ms. Berkley indicated the sidewalk project will be done this year. They were waiting for sufficient Community Development Block Grant Funds. The contract has been approved and the sidewalk project will begin once the sewer project is in place.

With regard to the canal behind the residential lots on NW 43 Avenue, Ms. Berkley advised it is a dry retention area. The City did what the neighborhood indicated they wanted and the project has been completed. She advised, however, that there were some residents that did not wish to have anything done along that area. The area will be reinspected to determine whether additional cleaning is necessary.

Ms. Berkley advised the linear park on West Sunrise Boulevard is part of the MURT Program. The funding has been secured through the MPO and FDOT but it is tied to their schedule of allocation of funds.

Mr. Butler explained the City is obligated to wait for District 4 to do some internal adjustments to the program itself which has put the project in a stalemate. The City must now wait for their authorization to move forward at which time a schedule will be established.

Mr. Butler noted that traffic calming in the City has somewhat evolved and strategies have been examined over the years. The current program is a partnership, a two-step process, between the neighborhood and the City to implement solutions short of building an improvement because that is not always the best solution. The neighborhoods have been formally indoctrinated into Step 1 and they are eagerly awaiting some response.

In response to Mr. Lord regarding the \$27,000 allocated for a study, Mr. Butler advised it was there from the onset for the Country Club Estates neighborhood to address an issue of access management at Peters Road. It was a situation that did not warrant spending \$27,000 since there was no real solution to the problem. They internalized the study for the road itself, found some traffic conditions that could be implemented simply by putting up stop signs and markings, and they are now waiting for the neighborhood to respond.

Councilwoman Bendekovic commented on the traffic calming in Park East and the problem with cut-through traffic over which there is no control.

Councilman Levy referenced the Country Club Estates implementation.

Mr. Butler indicated that was a neighborhood enhancement and beautification project rather than traffic calming. He noted the Engineering Department has been authorized to move forward with the improvements at the NW 49th Avenue intersection with Peters Road, which was chosen by the neighborhood to be the first improvement. They are now moving forward with the design and will implement its improvement this year.

With regard to the triangle at Davie Boulevard and Peters Road, Mr. Butler indicated that is a piece of County property and Mr. Siegel and he will need to communicate with the County in order to partner with a solution.

Discussion continued with regard to the physical conditions at that location. Some good solutions were presented at the Planning Council but they will take some time to develop and there may be some necessary partnerships with the County and others.

Councilman Levy indicated they are collecting for pillars and brick entranceways along Peters Road. Those interested in buying bricks may call Mayor Armstrong.

The budget figures for McGinnis Park will be adjusted upward.

Councilman Levy noted the landscaping at the ends of the streets are very important to the beautification of the entire community and the association is willing to help.

Councilman Fadgen commented on the list of pending neighborhood plans.

Ms. Berkley indicated Royal Palm North should be included with Royal Palm Estates.

Councilwoman Uria commented on the "No Thru Traffic" signs which she felt would be a traffic deterrent.

Discussion continued with regard to enforcement.

In response to Councilman Fadgen, Mayor Armstrong advised replacement street signs for those destroyed during Hurricane Wilma are being processed through a contract vendor and in house.

Mr. Butler explained an extensive number of signs were impacted throughout the City and it will take some time for the replacement program to be completed.

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3. DISCUSSION CONCERNING PARKS AND RECREATION INVENTORY, DEVELOPMENT STATUS AND PROGRAM COSTS.

Mayor Armstrong presented a brief overview regarding park development in the City. She noted the City has been on an assertive and aggressive program for implementing improvements across the City in park and recreation facilities over the past five or six years. A comparison of the City's facilities to State standards has been provided and this information will be important for budgets and planning for the future. She further noted the City is providing through the Parks and Recreation Department an extremely broad, well-planned and well-managed program in many different areas. The City has satisfied multiple needs by balancing interests and programs in order to meet the expectations of the residents.

Councilwoman Uria expressed appreciation for the information that was provided.

Mr. Romano reiterated the complexity of the Parks and Recreation system. He reviewed the levels of service recommended by the State of Florida and noted the City meets or exceeds the disciplines that are listed.

Councilman Petrocelli requested this item be deferred to a future meeting in order to provide more time to review the extensive amount of material.

There was a consensus to defer the item to February 8, 2006.

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Meeting adjourned at 9:30 p.m.

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Sharon Uria, President
City Council

ATTEST:

Susan Slattery
City Clerk