

MINUTES OF THE CITY OF MIRAMAR REGULAR COMMISSION MEETING

December 12, 2001

7:35 P.M.

The regular meeting of the Miramar City Commission was called to order by Mayor Lori C. Moseley at 7:35 p.m. in the Commission Chambers, Miramar City Hall, 6700 Miramar Parkway, Miramar, Florida.

Upon call of the roll, the following members of the City Commission were present:

Mayor Lori C. Moseley
Vice Mayor Sallie L. Stephens
Commissioner Steven T. Bogert
Commissioner Marjorie J. Conlan
Commissioner Fitzroy D. Salesman

The following members of staff were also present:

City Manager Robert Payton
City Attorney Jamie A. Cole
City Attorney Jeffrey P. Sheffel
City Clerk Yvette M. McLeary

PLEDGE OF ALLEGIANCE

PRESENTATIONS

There were no presentations.

CONSENT AGENDA

City Manager Payton advised that staff has pulled Item Number 7 from the agenda.

Commissioner Bogert requested Consent Agenda Item Number 2 be pulled for a presentation.

On a motion by Vice Mayor Stephens, seconded by Vice Mayor Stephens, to approve Consent Agenda Item Numbers 1, 3, 4, 5, 6, and 7, the Commission voted:

Commissioner Bogert	Yes
Commissioner Conlan	Yes
Commissioner Salesman	Yes
Vice Mayor Stephens	Yes
Mayor Moseley	Yes

1. Minutes of Regular City Commission Meeting of November 20, 2001.

Approved

2. Temp. Reso. #R2054 authorizing the expenditure of up to \$3,000 in Florida State Law Enforcement Forfeiture Funds in support of the **Kids and the Power of Work (KAPOW) Program.** *(Police Chief Melvin D. Standley)*

Police Chief Melvin Standley advised that the “Kids and the Power of Work Program” is a mentoring program that will be sponsored by the City of Miramar. He explained that the mentoring program, with all different divisions within the City, would be working with students from Coconut Palm Elementary School. He introduced John Guspera from the P.A.L. Program and Mr. Tony Weisberg, Principal from Coconut Palm Elementary School.

Commissioner Bogert asked for a brief synopsis so that the public could see how the City is trying to help the community.

Mr. John Guspera explained that the KAPOW Program is a partnership program that brings volunteers into the classroom and it gets out into the workplace to help connect them to their futures in the workplace. There are a series of lessons regarding career awareness and workplace skills (helping kids discover different kinds of jobs that are out there). It also helps the kids to find out what it takes to do those jobs and how the subjects they are studying in school are used in those jobs. The other lessons have to do with workplace skills that are necessary no matter what kind of job it is (communication skills, decision making, positive work habits, and team work). Volunteers representing different departments in the City of Miramar would teach the children.

Vice Mayor Stephens mentioned that she would be mentoring at the high school and thought this was a very good idea.

On a motion by Vice Mayor Stephens, seconded by Commissioner Conlan, to approve Temporary Resolution No. R2054, the Commission voted:

Commissioner Bogert	Yes
Commissioner Conlan	Yes
Commissioner Salesman	Yes
Vice Mayor Stephens	Yes
Mayor Moseley	Yes

Resolution No. 02-83

3. Temp. Reso. #R2024 approving the purchase of emergency medical supplies through purchase orders from **Broward County Fire Rescue Division Logistics Warehouse** in an amount not to exceed \$40,000 for Fiscal Year 2002. (*Fire-Rescue Chief James Hunt*)

Resolution No. 02-84

4. Temp. Reso. #R2025 approving the purchase of lifepaks through purchase orders to **Medtronic Physio-Control, Corp.**, in an amount not to exceed \$75,000 for Fiscal Year 2002. (*Fire-Rescue Chief James Hunt*)

Resolution No. 02-85

5. Temp. Reso. #R2026 approving the purchase of pharmacy and miscellaneous medical supplies through purchase orders from **Memorial Healthcare System** in an amount not to exceed \$30,000 for Fiscal Year 2002. (*Fire-Rescue Chief James Hunt*)

Resolution No. 02-86

6. Temp. Reso. #R2042 repealing Resolution 02-13 and withdrawing the approval for the purchase of sulfuric acid for the West Water Treatment Plant through purchase orders from HCl Industrial Chemical, Inc.; authorizing instead the purchase of sulfuric acid for the West Water Treatment Plant through purchase orders from **Sulphuric Acid Trading Company, Inc. (SATCO)**, utilizing the City of Boynton Beach Bid Award No. 089-2821-01/KR in an amount not to exceed \$87,000 for Fiscal Year 2002. (*Utilities System Administrator Hong Guo*)

Resolution No. 02-87

7. Temp. Reso. #R2057 approving the first amendment to the agreement between the City of Miramar and **Community Redevelopment Associates of Florida, Inc.**, for management services to implement, administer and monitor the City of Miramar's **2000-2001 Action Plan for U. S. Department of Housing and Urban Development Community Planning and Development Programs.** (*Senior Planner Gustavo Zambrano*) **PULLED BY STAFF**

Pulled

RESOLUTIONS

8. Temp. Reso. #R2058 approving an appointment to the **Teen Council Advisory Board.** (*Mayor Lori C. Moseley*)

Mayor Moseley requested this be pulled from the agenda. She encouraged the rest of the Commission to check whether their appointees are still in the school. She suggested the Commission could do this in January and, if anyone else has any appointees, that could be done at the same time.

Pulled

9. Temp. Reso. #R2056 providing for the **participation** of the **Mayor and City Commission Members** in the **Florida Retirement System Elected Officers' Class.** (*City Attorney Jamie Alan Cole*)

City Attorney Cole advised that in the last legislative session, the Florida State Legislature passed an amendment to the State Retirement Statute that allows elected officials to participate in the State Retirement System, even if the rest of the city employees are not members of that system. He mentioned that there were some cities where all of the employees could participate in that pension system. But now, for the first time, cities (if they choose) can participate in the system even though the rest of the employees do not. Several cities such as Boca Raton and Weston have passed resolutions to participate. He advised that this is something that the Commission needs to decide on what to do. Under the law that passed, the Commission would be required to make a decision by passing a resolution before the end of the year.

Mayor Moseley commented that anything to bring quality individuals to aspire to public service was a good thing.

Commissioner Salesman asked how this would tie into government/city workers who were presently tied into the Federal retirement system. He asked if it would be a separate retirement plan or if it would be combined.

City Attorney Cole stated that he did not want to give a definitive answer on that because the Florida Department of Retirement would have to decide that issue. He mentioned that this question came up in another city by another commissioner and they have not received a definitive answer on that yet.

Commissioner Conlan asked if they voted on this tonight, what would that actually do. Would it obligate the City Commission to become a part of this? She mentioned about the City Commission having to buy back their time in order to become a part of that.

City Attorney Cole referred to the “buyback” and advised that this would be an option. The City Commission could either choose to buy back time or not if they have served. The Commission could choose to participate from this point forward. The cost would be 15 percent this year and will be 9 or 10 percent next year. The City will have to pay that into the system. The City Commission could decide not to do it, but if they do want to, it must be passed before the end of the year.

Vice Mayor Stephens asked if there was an age cut-off.

City Attorney Cole advised that, in order to vest under the system, a commissioner would need to serve a total of six years and they would need to buy those years back.

Commissioner Conlan asked what would happen if this passed and if some of the Commission wanted to participate and some did not.

City Attorney Cole commented that there would be no down side (no harm) to participating in this program in the future.

Commissioner Salesman asked if the Commission decides tonight that they want to participate, as elected officials, in the program – would it be mandatory that once they choose to go that route, that each elected official must participate or would it be left up to each commissioner.

City Attorney Cole advised that the Commission would not contribute. The City would be contributing. He stated that there would be no reason why the Commission would not want to participate because it would not cost them any money.

Commissioner Conlan commented that she was hoping they would find out more about the buyback.

City Attorney Cole explained that one of the problems is that this just passed in the State Legislature just at the last legislative session and it stipulated that it must be decided by the end of the year. He mentioned that they do not have a financial analysis for each individual person. He advised that they could do this and would have that.

On a motion by Commissioner Bogert, seconded by Commissioner Conlan, to approve Temporary Resolution No. R2056, the Commission voted:

Commissioner Bogert	Yes
Commissioner Conlan	Yes
Commissioner Salesman	Yes
Vice Mayor Stephens	Yes
Mayor Moseley	Yes

Resolution No. 02-88

- 9.5** Temp. Reso. #R2064 providing for an economic development incentive offer to **Delta Airlines, Inc.** to locate a Call Center Operation in the City of Miramar. (*Economic Development Coordinator Glenn Vann*)

Economic Development Coordinator Glenn Vann advised that this proposed resolution offers Delta Airlines, Inc. an economic incentive for the location of a major call center in the City of Miramar. Delta Airlines is one of the nation's primary carriers that provide services throughout the United States and the world. The Delta call center will employ a minimum of 705 employees. The average salary will be \$35,000, including benefits. The call center will be located in a new 50,000 square ft. facility leased and built to suit on a six-acre site in the Monarch Lakes Development. The total cost of construction, including parking is estimated to be \$5 million. The total cost of operating equipment for the call center is estimated to be \$900,000. Delta will have a 10-year lease. The proposed cash incentive award is \$276,000. This amount is to be paid in five annual payments of \$55,200 at the end of each year of occupancy. He noted that on December 11, 2001 the Broward County Commission approved an economic incentive to Delta Airlines in the amount of \$200,000 for the relocation of the call center to Broward County and the City of Miramar. He mentioned that Delta Representative Steve Hogan was also present tonight.

Commissioner Bogert wanted to clarify that this would be a 50,000 square-foot building complex and that it would cost \$5 million to construct it.

Economic Development Coordinator Vann confirmed this.

Mayor Moseley commented that she appreciates the way that the City Manager has handled the way that the City will do economic incentives and the communication that took place and the new formulization that they worked with. She mentioned that she definitely wanted more businesses to come to the City of Miramar.

Commissioner Salesman stated that he would like to see more companies, when jobs are available, to advertise on Miramar's website. He wanted residents of the City to benefit, as well as the company.

Mr. Steve Houlder thanked the City Commission for the consideration of this very gracious offer. He commended the City for its excellent presentation and communication flow that transpired. He stated that Delta does believe in Miramar and is making a commitment. This is subject to a number of approval processes and steps that they need to go through. But they welcome any opportunities to hire quality people that reside in Miramar. He mentioned coordinating this with the City's Human Resources Department.

Commissioner Conlan commented that she believed it was a good change that was made in the flow of the economic development packages so that the City Commission is more aware of what those incentives are.

Vice Mayor Stephens welcomed Delta and thanked Mr. Hogan for coming this evening.

Commissioner Bogert welcomed Delta to the City of Miramar and hoped that they would be able to work out all of their other issues that may or may not be in the way. He hoped that the future growth of Delta was a positive sign for the economy and the spin-off growth of Miramar. He hoped that the City could fulfill all of Delta's needs to make sure everything goes according to plan.

On a motion by Vice Mayor Stephens, seconded by Commissioner Conlan, to approve Temporary Resolution No. R2064 (the revised version – not the one in the backup), the Commission voted:

Commissioner Bogert	Yes
Commissioner Conlan	Yes
Commissioner Salesman	Yes
Vice Mayor Stephens	Yes
Mayor Moseley	Yes

ORDINANCES

- 10. FIRST READING** of Temp. Ord. #1289 repealing Section 2-225 of the City Code, entitled "**Impact Fees**; in general"; repealing Section 2-226 of the City Code, entitled "Parks and Recreational Impact Fees", repealing Section 2-227 of the City Code, entitled "Police, Fire/Rescue, Construction Projects and Capital Expenditures Impact Fees", repealing Section 2-227.1, entitled "Adequacy of Public Safety System"; and repealing Section 508.14 of the Land Development Code, entitled "Parks and Recreational Areas"; and updating the City Code by creating a new division 2A, entitled "Impact Fees for New Development" of Article VI in Chapter 2, entitled "Administration" of the City Code; providing for impact fees to be set by Resolution; providing for an effective date. (*Assistant City Manager/Administration Robert C. Bell*)

Assistant City Manager/Administration Robert Bell stated that this item repeals and amends certain sections of the City's Code and the Land Development Code and it creates a new section in the City Code. It also provides that, in the future, impact fees (police, fire, and parks and recreation) will be set by resolution. He advised that the second reading would be at the January 9, 2002 Commission meeting. He explained that they last had an impact fee study for the police, fire, and parks and recreation back in 1996 and fees were amended at that time. He explained that they currently have consultants, a public resource management group, finalizing a new impact fee study for the purpose of amending those fees. A resolution will be on the agenda for January 9, 2002 concurrently with the second reading of this item that will present to the Commission new fees for approval.

Mayor Moseley inquired if there were any questions. There were no questions.

On a motion by Commissioner Conlan, seconded by Vice Mayor Stephens, to approve Temporary Ordinance No. 1289, on first reading, the Commission voted:

Commissioner Bogert	Yes
Commissioner Conlan	Yes
Commissioner Salesman	Yes
Vice Mayor Stephens	Yes
Mayor Moseley	Yes

Passed on first reading

SECOND READING SCHEDULED FOR January 9, 2002

PUBLIC HEARINGS

11. **SECOND READING** Temp. Ord. #1287 **establishing the Vizcaya Community Development District**; making certain findings regarding the district; describing the external boundaries of the district; naming five persons designated to be the initial members of the Board of Supervisors; providing for certain special powers; providing for severability; providing an effective date. **(Staff recommends continuance to the meeting of 01/09/02)** (Passed 1st Reading 11/20/01) (Assistant City Manager/Administration Robert C. Bell)

On a motion by Commissioner Conlan, seconded by Commissioner Salesman, to continue Temporary Ordinance No. 1287, on second reading, the Commission voted:

Commissioner Bogert	Yes
Commissioner Conlan	Yes
Commissioner Salesman	Yes
Vice Mayor Stephens	Yes
Mayor Moseley	Yes

Continued to January 9, 2002

12. **SECOND READING** Temp. Ord. #1283 **amending** Section 15-261 of the **City Code** to provide for three year averaging for the computation of a member's average monthly earnings; amending Section 15-311 of the City Code to provide for payment of **Normal Retirement Benefits** upon the completion of twenty years of credited service or the twenty year anniversary date for current members; amending Section 15-312 of the City Code to provide a Normal Retirement Benefit of two and seventy-five one hundredths percent of average monthly earnings upon the completion of twenty years of credited service and providing for an increase in the Normal Retirement Benefit upon the completion of the twenty-first through twenty-fifth years of service; amending Section 15-314 of the City Code to revise the definition of early retirement to reflect changes to the definition of Normal Retirement; amending Section 15-318 of the City Code regarding the IRS Code; providing for severability; providing for codification; providing for an effective date. **(Continued from the meeting of 11/07/01)** (Passed 1st Reading 11/7/01) (Assistant City Manager/Administration Robert C. Bell)

Assistant City Manager/Administration Robert Bell stated that there are no changes from the first reading of this ordinance.

Mayor Moseley asked if there were any comments.

City Attorney Cole suggested that there be one change – to change the effective date back to November 20, 2001 because this item was supposed to be heard on that date, but because of an advertising issue with the newspaper, and a commitment was made to the City employees that this would be retroactive to November 21, 2001.

On a motion by Commissioner Salesman, seconded by Commissioner Conlan, to approve Temporary Ordinance No. 1283, on second reading, amending the effective date to November 20, 2001, the Commission voted:

Commissioner Bogert	Yes
Commissioner Conlan	Yes
Commissioner Salesman	Yes
Vice Mayor Stephens	Yes
Mayor Moseley	Yes

Ordinance No. 02-03, as amended

- 13. SECOND READING** Temp. Ord. #1282 **amending** the **City Code**, Chapter 2, “Administration,” Article VI entitled “Finance and Miscellaneous Fees,” by repealing Division 3 entitled “Purchases and Contracts,” and **creating a new Division 3 entitled “Procurement”** providing for an effective date. *(Passed 1st Reading 11/20/01) (Procurement Manager Carlos A. Vilches)*

Mayor Moseley advised that the City Manager has requested that this item be pulled and that it be continued to the January 9, 2002 Commission meeting.

On a motion by Commissioner Conlan, seconded by Vice Mayor Stephens, to continue this to the January 9, 2002 Commission meeting, the Commission voted:

Commissioner Bogert	Yes
Commissioner Conlan	Yes
Commissioner Salesman	Yes
Vice Mayor Stephens	Yes
Mayor Moseley	Yes

Continued to January 9, 2002

- 14. SECOND READING** Temp. Ord. #1284 **amending the Fiscal Year 2001 Operating and Capital Improvement Program Budget**; providing for an effective date. *(Passed 1st Reading 11/20/01) (Budget Manager Helen G. Ostlund)*

Mayor Moseley inquired if there are any changes since the first reading.

Budget Manager Helen Ostlund answered – no.

Mayor Moseley asked if there were any questions or comments regarding this item. There were not questions or comments.

On a motion by Commissioner Conlan, seconded by Vice Mayor Stephens, to approve Temporary Ordinance No. 1284, on second reading, the Commission voted:

Commissioner Bogert	Yes
Commissioner Conlan	Yes
Commissioner Salesman	Yes
Vice Mayor Stephens	Yes
Mayor Moseley	Yes

Ordinance No. 02-04

(Clerk's note: Items 15 and 16 were presented together and voted on separately.)

- 15. SECOND READING** Temp. Ord. #1286 repealing Section 22-27 of the City Code of Ordinances, **“Permit and Related Fees”**, and adopting a new Section 22-27, that shall provide for such fees to be set by Resolution; repealing Section 22-28 of the City Code of Ordinances, “Plan Review and Engineering Permit Fees”, and adopting a new Section 22-28, that shall provide for such fees to be set by Resolution; providing for an effective date. *(Passed 1st Reading 11/20/01) (Community Development Director Donald J. Waldron)*

Mayor Moseley inquired if there are any changes since the first reading.

Community Development Director Donald Waldron answered – no.

Mayor Moseley asked if there were any questions or comments. There were no questions or comments.

On a motion by Commissioner Salesman, seconded by Vice Mayor Stephens, to approve Temporary Ordinance No. 1286, on second reading, the Commission voted:

Commissioner Bogert	Yes
Commissioner Conlan	Yes
Commissioner Salesman	Yes
Vice Mayor Stephens	Yes
Mayor Moseley	Yes

Ordinance No. 02-05

- 16. Temp. Reso. #R2053 adopting permit and related fees. (Community Development Director Donald J. Waldron) (Resolution associated with Ordinance-placed here for ease of presentation)**

Community Development Director Donald Waldron stated that the City of Miramar's building permit fees were last updated on September 16, 1992. Periodic updating of the permit fee schedule ensures that the costs of the building services are borne by the users of the services. Staff has reviewed the entire fee schedule for the Building Division to make sure they adequately reflect the costs associated with various reviews conducted by staff that includes fees for each of the kinds of reviews and services Miramar performs including re-reviews of items and that it avails the City of any funding opportunities for such things as mandated training. He referred to the table that notes other municipalities and what they charge for these services. He advised that staff recommends approval of this fee revision.

Mayor Moseley commented that she was glad to see these revisions. She believed this was a good thing. She asked if there were any questions or comments from the Commission or the public. There were no questions or comments.

On a motion by Vice Mayor Stephens, seconded by Commissioner Conlan, to approve Temporary Resolution No. R2053, the Commission voted:

Commissioner Bogert	Yes
Commissioner Conlan	Yes
Commissioner Salesman	Yes
Vice Mayor Stephens	Yes
Mayor Moseley	Yes

Resolution No. 02-90

17. Temp. Reso. #R2028 **approving** the program year **2000-2001 Consolidated Annual Performance and Evaluation Report (CAPER)** for Community Development Programs. *(Continued from the meeting of 11/20/01)* (Senior Planner Gustavo Zambrano)

Senior Planner Gustavo Zambrano advised that on November 20, 2001 a presentation was done. The public hearing was postponed until today due to advertising to ensure they received all the public input that was necessary. He explained that the City prepares an annual report for its community development block grant program 90 days before the end of every calendar year. The City's consultants, Community Redevelopment Associates, prepared this report. The CAPER was provided to the public for comment for 15 days, ending November 19, 2001. Staff also accepted comments after November 19, 2001; however, none were received. He explained that the City has a five-year strategic plan in place. He reviewed a number of priorities/goals in the consolidated plan.

Mayor Moseley asked if there were any questions from the Commission or if there were any comments from the public. There were no questions or comments.

City Manager Payton stated that, in the weekly meetings, some concerns were expressed regarding the CRA. In one of the paragraphs it states that Miramar could also benefit substantially. He suggested the Commission could change that verbiage to – "While Miramar could substantially benefit, the City Commission is still collecting data and has not made a policy decision."

On a motion by Commissioner Conlan, seconded by Vice Mayor Stephens, to approve Temporary Resolution No. R2028, the Commission voted:

Commissioner Bogert	Yes
Commissioner Conlan	Yes
Commissioner Salesman	Yes
Vice Mayor Stephens	Yes
Mayor Moseley	Yes

Resolution No. 02-91, with amendments

18. **SECOND READING** Temp. Ord. #1281 **amending** Chapter 8, Section 804.4(A) of the Land Development Code **to revise regulations regarding maximum permissible driveway width for single family homes**, providing for an effective date. *(Passed 1st Reading 11/20/01)* (Senior Planner Fred Hagy)

Senior Planner Fred Hagy advised that there have been no changes since first reading.

Mayor Moseley asked if there were any questions or comments from the Commission or the public.

Robert Lobaina, Riviera Isles, asked if this was a reduction in the size of the driveways.

Mayor Moseley answered – no. She explained that some driveways at homes with five or more bedrooms were built with a little bit of grass in between. And this ordinance does away with them.

On a motion by Commissioner Conlan, seconded by Vice Mayor Stephens, to approve Temporary Ordinance No. 1281, on second reading, the Commission voted:

Commissioner Bogert	Yes
Commissioner Conlan	Yes
Commissioner Salesman	Yes
Vice Mayor Stephens	Yes
Mayor Moseley	Yes

Ordinance No. 02-06

- 19. SECOND READING** of Temp. Ord. #1285 providing for the **abandonment** of the **Bluegrass Lakes Development of Regional Impact** approved by Ordinance No. 88-28, adopted on June 22, 1988, as amended by Ordinance No. 92-31, adopted on April 1, 1992, Ordinance No. 96-22, adopted on May 1, 1996, and Ordinance No. 96-43, adopted on September 4, 1996; providing for findings of fact, conclusions of law and conditions of abandonment; providing for severability; providing for repeal of conflicting ordinances; providing for recordation; providing for an effective date. *(Passed 1st Reading 11/20/01) (Senior Planner Richard Hughes)*

Senior Planner Richard Hughes advised that there has been no changes or additional information to this ordinance since first reading.

Mr. Dennis Mele, representing the applicant, advised that the agreement associated with this item that was approved at the last meeting was approved by the County Commission yesterday. He stated that they would probably be back with that agreement sometime in the next few months because there is a property owner to the north that wants to share in the cost of the Flamingo Road improvement that

results from this.

Mayor Moseley asked if they would put that property in there.

Mr. Mele confirmed this.

Vice Mayor Stephens made the comment – “Great work!”

On a motion by Vice Mayor Stephens, seconded by Commissioner Conlan, to approve Temporary Ordinance No. 1285, on second reading, the Commission voted:

Commissioner Bogert	Yes
Commissioner Conlan	Yes
Commissioner Salesman	Yes
Vice Mayor Stephens	Yes
Mayor Moseley	Yes

Ordinance No. 02-07

QUASI-JUDICIAL PUBLIC HEARINGS

City Attorney Cole advised that Items 20 and 21 are recommended for continuances to January 16, 2002.

On a motion by Commissioner Conlan, seconded by Vice Mayor Stephens, to continue Items 20 and 21 to January 16, 2002, the Commission voted:

Commissioner Bogert	Yes
Commissioner Conlan	Yes
Commissioner Salesman	Yes
Vice Mayor Stephens	Yes
Mayor Moseley	Yes

Those persons wishing to speak on Items 22(a), 22(b), 22(c), 23(a), 23(b), 24(a), 24(b), and 24(c) were duly sworn-in by City Clerk Yvette M. McLeary at this time.

20. Temp. Reso. #R2051 considering Application No. **01-CU-11**, conditional use for a **Telecommunications Tower Facility** on Tract "A" of the **Wal-Mart** at Miramar Plat, located at the southwest corner of Pembroke Road and University Drive. *(Staff recommends continuance to the meeting of 01/16/02) (Senior Planner Richard Hughes)*

Continued to January 16, 2002

21. Temp. Reso. #R2052 considering Application No. **01-CU-12**, conditional use for a **Telecommunications Tower Facility** on **Eaglewoods Golf Course**, located south of Miramar Parkway, west of Douglas Road, and north of the Florida Turnpike. *(Staff recommends continuance to the meeting of 01/16/02) (Senior Planner Richard Hughes)*

Continued to January 16, 2002

22. (a) Temp. Reso. #R2043 considering Application No. **00-DRC-58**, site plan for the **Walgreens at Marketplace**, located within all of Parcel "B" and a portion of Parcel "A" of the Marketplace Partnership Center Plat, legally described in Exhibit "A", located west of Southwest 145th Avenue and north of Miramar Parkway. *(Planner David Goldman)*

On a motion by Vice Mayor Stephens, seconded by Commissioner Conlan, to approve Temporary Resolution No. R2043, with staff's recommendations, the Commission voted:

Commissioner Bogert	Yes
Commissioner Conlan	Yes
Commissioner Salesman	Yes
Vice Mayor Stephens	Yes
Mayor Moseley	Yes

Resolution No. 02-92, with staff's recommendations

- (b) Temp. Reso. #R2044 considering Application No. **02-VAR-01**, variance request from Land Development Code (LDC) Section 808.3.2, Off-Street Parking for commercial uses, for the **Walgreens at Marketplace**, within all of Parcel "B" and a portion of Parcel "A" of the Marketplace Partnership Center Plat, legally described in Exhibit "A", located west of Southwest 145th Avenue and north of Miramar Parkway. *(Planner David Goldman)*

On a motion by Commissioner Conlan, seconded by Vice Mayor Stephens, to approve Temporary Resolution No. R2044, the Commission voted:

Commissioner Bogert	Yes
Commissioner Conlan	Yes
Commissioner Salesman	Yes
Vice Mayor Stephens	Yes
Mayor Moseley	Yes

Resolution No. 02-93

(c) Temp. Reso. #R2045 considering Application No. **00-CAB-100**, Community Appearance Board approval for the **Walgreens at Marketplace**, located west of Southwest 145th Avenue and north of Miramar Parkway. (Planner David Goldman)

On a motion by Commissioner Conlan, seconded by Vice Mayor Stephens, to approve Temporary Resolution No. R2045, the Commission voted:

Commissioner Bogert	Yes
Commissioner Conlan	Yes
Commissioner Salesman	Yes
Vice Mayor Stephens	Yes
Mayor Moseley	Yes

Resolution No. 02-94

Staff's Presentation:

Planner David Goldman stated that the applicant is applying for a site plan, parking variance, and Community Appearance Board approval for a 14,490 sq. ft. Walgreens Pharmacy on a two-acre site. The City's Land Development Code requires one parking space for each 200 sq. ft. of store area - that would equate to 73 spaces for this site. The applicant is providing 64 parking spaces, or one parking space for each 226 sq. ft. of store area. This equates to a shortage of 9 spaces. The limited size of this parcel coupled with the abundant landscaping that staff had asked the applicant to use to screen the loading industrial area to the western portion of the site prevents the applicant from designating more of the site's area for parking. He showed a rendering of the site and pointed out the colonnades that provide a covered walkway for people to use after they park their cars to get to the front door. The Development Review Committee found that the site plan and variance application satisfied the criteria for approval contained within the Land

Development Code and recommended approval of these applications with the condition that the applicant provide \$1,500 for the Miramar Trust Fund for the planting of five trees to help buffer this location from the neighboring Windsor Palms residential community across the street from this site. That recommendation was made at the November 8, 2001 DRC meeting. The Community Appearance Board recommended approval of this item on November 7, 2001. Staff recommends approval of these applications.

Commissioner Bogert asked if the applicant has agreed to the tree bank.

Planner Goldman stated that he could not speak for the applicant, but the applicant said to him that he would agree to it.

Commissioner Bogert asked if the drive-thru was on the driver side of the car.

Planner Goldman answered that it was on the driver side of the car.

Mayor Moseley asked if there were any more questions for staff. Hearing none, she requested the applicant to speak.

Applicant's Presentation:

Mr. Dick Coker, attorney representing the applicant, advised that the applicant agrees to pay the \$1,500 into the Trust Fund. With respect to the parking variance - he explained that the extensive landscaping that was required by Code and staff to buffer the loading area to the west only left a place for the additional parking on the north side that was on the other side of the drive-thru lane. People would have to cross the drive-thru lane. When this was discussed with staff, it was apparent that a Walgreens with a double drive-thru really doesn't need 1 per 200 sq. ft. of park spaces.

Mayor Moseley asked if there were any questions at this time from the dais.

Commissioner Bogert referred to the lighting with the nearby homes and asked if they would be the same type of lighting poles used in the parking lots of other businesses within the area or would they be uniquely different.

Mr. Coker answered confirmed that it would be the same as Monarch Gardens across the street.

Mayor Moseley asked if there were any further questions for the applicant. There were no further questions.

Public Discussion:

Mayor Moseley asked if anyone from the public wished to be heard regarding this item.

Mr. Mike Carbonary, 3870 S.W. 169th Terrace, stated that he was sworn-in. He asked about the variance and if the applicant was allowed 73 parking spaces rather than the 64.

Mr. Coker advised that the applicant was requesting 64 parking spaces instead of the required 73 parking spaces.

Mr. Carbonary stated that he would have no problem with that.

Mayor Moseley asked if anyone else from the public wished to be heard regarding this item. No one else spoke.

Final Comments:

Mayor Moseley asked if there were any final comments from staff.

Commissioner Bogert referred to the new Wachiovia and stated that the lighting system there in the parking lot seemed to be extremely bright in comparison to the lighting system that was used by the bank that was further east. Both have the same types of light poles, but he was not sure what wattage was used. He stated that he has already received phone calls about those lights. He wanted to ensure that another set of these lights would not go in. It was extremely bright. He mentioned that he took the City Manager over there to show him how bright it was.

Community Development Director Don Waldron advised that he would send somebody over there to check those lights. It is not planned for the other area to be bright like that.

Planner Goldman stated that he had no final comments to make.

Mayor Moseley asked if the applicant had any final comments.

Mr. Coker replied that he did not have any final comments.

Commission Discussion

Mayor Moseley asked if there were any final comments from the Commission dais. There were no comments.

23. (a) Temp. Reso. #R2046 considering Application No. **02-DRC-02**, site plan for the **Super Target**, located within a portion of Parcels "C", "D", "E" and "F" of the Miramar Regional Park Replat, located north of Miramar Parkway and east of Southwest 172nd Avenue. (*Planner David Goldman*)

Continued to January 16, 2002

- (b) Temp. Reso. #R2047 considering Application No. **02-CAB-03**, Community Appearance Board approval for the **Super Target**, located within a portion of Parcels "C", "D", "E" and "F" of the Miramar Regional Park Replat, north of Miramar Parkway and east of Southwest 172nd Avenue. (*Planner David Goldman*)

Continued to January 16, 2002

Staff's Presentation:

Planner David Goldman advised that this project is located north of Miramar Parkway and east of S.W. 172nd Avenue. The applicant is applying for a site plan and Community Appearance Board approval for an approximately 175,000 sq. ft. Super Target retail store and full service grocery store with an approximately 11,500 sq. ft. garden center on a 20.8 acre site. He noted the surrounding developments and some aspects of the site including entrances, landscaping, a horizontal and vertical juxtaposition of the building, a covered trellis, and pedestrian-scale light poles. He advised that the Development Review Committee found that the site plan satisfies the criteria of approval contained in the Land Development Code and recommended approval of this application with the one condition contained in the backup at the November 15, 2001 DRC meeting. The Community Appearance Board recommended approval of this item on November 7, 2001. Staff recommends approval of these applications and additionally recommends that, if this project is approved, the proposed signage must come back before the City Commission for approval because the signage was not a part of this.

Mayor Moseley asked about the signage – would it mean freestanding or signage on the building.

Planner Goldman advised that the signage was not submitted with this application.

Mayor Moseley spoke about the main cut from Miramar Parkway. She asked if this cut went to the Nautica Development. She commented that she did not know where the cut was on Miramar Parkway because it did not seem to align.

Planner Goldman advised that it did not line up with the Nautica one.

Mayor Moseley asked if they would be U-turning on Miramar Parkway.

Planner Goldman stated that the County approved the plat with the designation for a full opening and it allows for all movements (left turns and right turns).

Mayor Moseley commented that there was no cut on Miramar Parkway. She did not know where they would be making the left turns.

Planner Goldman stated that the cut would have to be provided for the improvements that this site is required to do.

Mayor Moseley asked for a traffic analysis. She wanted to know if there needed to be a cut, how close would it be to the traffic light. How close would that cut be to the entrance of Nautica Development? How would that number of cars interact with each other in that corner?

Planner Goldman advised that a traffic concurrency agreement was approved for this level.

Mayor Moseley stated that she wanted to know how they would interact. She did not see a cut in the road.

Planner Goldman advised that it would be constructed.

Mayor Moseley advised that she wanted to know how close it would be to the entrance to Nautica and how close would it be to 172nd Avenue. She did not realize that they did not line up. She also wanted to know when the road widening would take place on 172nd Avenue and what would be the timing of that widening. She advised that she would not be able to vote on the site plan unless she had an analysis of these issues. She stated that she also had concerns about the 1,000 feet. There were also residents diagonally across who did not receive notification. She wanted to know what the 1,000 feet entailed on the large diagram. She was not sure which developments received notification. She advised that everyone she asked did not receive notification. She requested that the residents in this area be notified and the radius be expanded in this situation.

Commissioner Bogert supported Mayor Moseley and mentioned about a 300-ft. antenna and about them extending the radius of notice because of the effect that it would have across the area.

City Manager Payton advised that staff did exactly what the Code calls for. He stated that the City could not ask the developer to take on any additional costs for anything over and above the Code; however, the City could take on that cost.

Dr. Wazir Ishmael, Assistant City Manager, advised that the requirement for notification is a 1,000 ft. radius. He also mentioned that the homeowner's associations were also notified beyond that because of the interest in this particular development. He advised that the actual square footage of this development does not exceed the plat limits of what is required on the plat.

Commissioner Bogert commented that the intensity of the usage is quite different. When there is a regional-type store situation, the square footage might be different; however, the intent of that square footage usage is different because it draws other areas (not just local). He believed that the people who would be affected, one way or another, should be notified.

Mayor Moseley stated that they would like to increase the notification to include these homes on the perimeter. The homes that will be across the street from this development should receive notification.

Motion to Continue:

On a motion by Mayor Moseley, seconded by Commissioner Bogert, to continue Items 23(a) and 23(b) to the January 16, 2002 - to get the traffic analysis and to increase the notification, the Commission voted:

Commissioner Bogert	Yes
Commissioner Conlan	Yes
Commissioner Salesman	Yes
Vice Mayor Stephens	Yes
Mayor Moseley	Yes

The whole team of Target from Minneapolis was quickly introduced to the Commission at this time.

24. (a) Temp. Reso. #R2048 considering Application No. **01-CU-10**, conditional use for the **Riviera Isles Phase III Residential Development**, located south of Bass Creek Road, west of Interstate-75, north of the Miami-Dade/Broward County Line and east of Dykes Road and Southwest 156th Avenue. *(Senior Planner Fred W. Hagy)*

On a motion by Vice Mayor Stephens, seconded by Commissioner Bogert, to approve Temporary Resolution No. R2048, with conditions including the waiver of any claim against the City for damages, the Commission voted:

Commissioner Bogert	Yes
Commissioner Conlan	No
Commissioner Salesman	Yes
Vice Mayor Stephens	Yes
Mayor Moseley	Yes

Resolution No. 02-95, with conditions

- (b) Temp. Reso. #R2049 considering Application No. **01-DRC-20**, site plan for the **Riviera Isles Phase III Residential Development**, located south of Bass Creek Road, west of Interstate-75, north of the Miami-Dade/Broward County Line and east of Dykes Road and Southwest 156th Avenue. *(Senior Planner Fred W. Hagy)*

On a motion by Vice Mayor Stephens, seconded by Commissioner Bogert, to approve Temporary Resolution No. R2049, with conditions, the Commission voted:

Commissioner Bogert	Yes
Commissioner Conlan	No
Commissioner Salesman	Yes
Vice Mayor Stephens	Yes
Mayor Moseley	Yes

Resolution No. 02-96, with conditions

- (c) Temp. Reso. #R2050 considering Application No. **01-CAB-56**, Community Appearance Board approval for the **Riviera Isles Phase III Single-Family Development**, located south of Bass Creek Road, west of Interstate-75, north of the Miami-Dade/Broward County Line and east of Dykes Road and Southwest 156th Avenue. *(Senior Planner Fred W. Hagy)*

On a motion by Vice Mayor Stephens, seconded by Commissioner Bogert, to approve Temporary Resolution No. R2050, with conditions, the Commission voted:

Commissioner Bogert	Yes
Commissioner Conlan	No
Commissioner Salesman	Yes
Vice Mayor Stephens	Yes
Mayor Moseley	Yes

Resolution No. 02-97, with conditions

Staff's Presentation:

Senior Planner Fred Hagy stated that there were three applications – a conditional use to permit single-family homes in an RM10 Multi-Family District; the site plan; and the Community Appearance Board application. He mentioned this was a 44.27-acre site that includes 257 single-family homes. The project is in the Country Lakes West DRI and is in compliance with the DRI. The full subdivision plat has not yet been approved. For this reason, the applicant has submitted a letter of agreement to the City acknowledging that they are working at their own risk and that they will abide by any conditions set by staff or Commission regarding the relationship between the plat and the site plan. This is the first project to come before the Commission under the provisions of Ordinance 01-29 that permitted single-family homes in a multi-family zoning district with Commission approval. The average lot size is 4,506 square feet where 4,400 square feet is required. The smallest lot is 3,600 square feet (minimum). The project contains a considerable amount of park area. There is 650 sq. ft. of open space. He noted some of the aspects of this proposed development. Staff recommends approval of the conditional use and approval of the site plan with the two conditions noted in the agenda package. He also explained that there were two additional conditions on the conditional use – (1) That the applicant agree in a form acceptable to the City Attorney to waive any claim against the City for the refund, repurchase, or any other claim of damages relative to the water and sewer equivalent residential connections associated with the 199 dwelling unit reduction in the Riviera Isles Master Zoning Plan; and (2) That the applicant provides a 15-foot street side setback as measured to the corner chord on the corner lots.

Senior Planner Hagy advised that the Planning and Zoning Board recommended approval on the conditional use at its November meeting. He spoke regarding the Community Appearance Board application (the design of the open spaces, tot lots, accessory structures, lighting and landscaping). He advised that the CAB is recommending approval on the project.

Mayor Moseley asked if there were any questions for staff.

Applicant's Presentation:

Mr. Dennis Mele, attorney representing the applicant, mentioned that, earlier in the year, the Commission adopted an ordinance that permitted single-family homes in the multi-family zoning districts. He noted that this was a model site that was used when that ordinance was developed. Instead of having town homes here, there will be single-family homes. He advised that there have been extensive discussions with people living in Riviera Isles and they have been very supportive. He also introduced Mr. Craig Unger and Cary Winningham (Civil Engineer).

Mayor Moseley asked if there were any comments or questions for the applicant. There were no comments or questions.

Public Discussion:

Mayor Moseley asked if anyone from the public wished to speak regarding this item.

Mr. Robert Lobaina, Riviera Isles, stated that the plans have exceeded their expectations. They were extremely pleased with the result. He thanked Minto for their cooperation with the homeowners.

Mayor Moseley asked if anyone else from the public wished to speak regarding this item. No one else from the public spoke.

Commission Questions:

Commissioner Conlan asked how many of the 3,600 sq. ft. lots there were.

Mr. Craig Unger, Minto Communities, stated that he did not have an exact number. He stated that the average lot size is 4,500 sq. ft. and the largest lot size is approximately 12,000 sq. ft.

Mr. Mele advised that Cary Winningham had looked at the plans and did a quick calculation. He believed that there were approximately 75 lots at 3,600 sq. ft.

Final Comments:

Mayor Moseley asked if there were any final comments from staff or the applicant. There were no final comments.

Commission Comments:

Mayor Moseley asked if there were any final comments from the Commission dais. There were no final comments from the Commission.

OTHER BUSINESS

25. Reports and Comments:

Commission Reports:

Commissioner Bogert spoke regarding the MPO. He stated that BCC was the Technical Coordinating Committee that helped to take Miramar's roadways off the plan. Six of the seven will be returned back to the plan; however, he will still need to get a confirmation vote from the members of the MPO to have it reinstated. He advised that the meeting will be tomorrow - Items 37, 38, 39, 40, etc.

Mayor Moseley referred to a copy of the letter she wrote on the Commission's behalf addressing it to everyone on the MPO.

Commissioner Bogert stated that he would probably be bringing more Commission Reports to update the Commission because this will become very fluid for a while. He also mentioned about the I-75 study and the concerns associated with that. He suggested that Miramar hold a workshop meeting to discuss where Miramar fits in this to make sure everyone is prudent to what is occurring.

Commissioner Conlan updated the Commission on the Group Cities Coalition. She mentioned that she was voted in as Vice Chairperson. She advised that they were looking into holding their next meeting at the Wingate in Miramar. She explained that, at that meeting, the EMS group that was put together to study this whole thing. They were impressed with the City's study and wanted to discuss adopting the City's policy on it. She stated that she would let the Commission know where the meeting would be in January so that the Commission could come out and say – "Hello".

Mayor Moseley commented that she would love to come out and say – "Hello."

Vice Mayor Stephens stated that she forgot the invitations to the Miramar High School Holiday Luncheon. It is on Wednesday, December 19, 2001 – anytime between 11:00 a.m. and 1:30 p.m. at the Media Center in Miramar High School.

Mayor Moseley stated that she just came back from Atlanta for the National League of Cities and she had a very interesting time. One of the highlights of the trip was that she went on a tour called "Smart Growth and New Urbanism". What she actually got to see in practice was the traditional neighborhood districts and the revitalization of a community through building houses with the garages in the back through the porches and the sidewalks. She got to see the lower income neighborhoods and how they functioned, as well as in more upscale neighborhoods. She was happy to know that Miramar was right on target and right on the cutting edge. She stated that it was exciting to see that it was working. She also mentioned that the sharing experience with other cities and other elected officials and staff is invaluable to Miramar.

City Attorney Reports:

There were no City Attorney Reports at this time.

City Manager Reports:

City Manager Payton referred to an earlier item about the State pension. He stated that he would ask the City's Actuary develop an analysis of the whole plan and would also prepare the necessary budget modifications for it. He pointed out that there is going to be a policy decision because it is a six-year vesting and, with the terms being four years, there may be commissioners who only do a four-year term. That money that goes in stays in the plan and cannot be taken out, so there will need to be a policy decision made as to how the State Pension Plan would be funded for those benefits. He stated that they would like to also have the City's Actuary bring the Commission up to date on the new IRS Code laws (to use another qualified plan).

Commissioner Salesman asked if it would be possible or if a provision could be made to actually allow commissioners to buy the additional 3 years without actually serving those years.

City Manager Payton distributed the Quarterly Report that outlines everything that has been accomplished. He commended staff for all of their accomplishments.

Mayor Moseley stated that the Commission was proud to receive it and to receive ongoing communication.

Mayor Moseley commented that, if it was the pleasure of the Commission, she could give a "State of the City" address using this Quarterly Report at the January 16, 2002 Commission meeting.

Commissioner Conlan commented that the “Holiday Lighting” was spectacular and the Santa Claus Luncheon was wonderful. She commended staff on all of the work and the projects that they have done they have done throughout the year.

City Manager Payton advised that Mr. Borges would make sure that each Commissioner receives a copy of the “Tree Lighting Event” on videotape.

The Mayor and the Commission wished everyone – “Happy Holidays!”

ADJOURNMENT

The meeting was adjourned at 9:12 p.m.

Yvette M. McLeary
City Clerk

YMM/sm