

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

March 26, 2014

The meeting was called to order by Councilmember Robert A. Levy, President of the City Council.

1. Roll Call by City Clerk:

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

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2. The invocation was offered by Mayor Bendekovic.

The Pledge of Allegiance followed.

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ITEMS SUBMITTED BY THE MAYOR

Lauren McAloon briefly discussed *Celebrate Plantation*, Friday, March 28, 2014 at Volunteer Park from 5:00-9:00 p.m. In addition, she introduced Jim Spawn, Marketing Director, for The Manor which is a new business being spotlighted by the Chamber of Commerce.

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Mayor Bendekovic read a Proclamation designating April 11 and 12, 2014, as *Relay for Life Days* in the City of Plantation.

Pat Ortega accepted the proclamation.

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Mayor Bendekovic introduced President Jennifer Martin, Plantation Junior Woman's Club, who presented the following checks:

- The Parks and Recreation Department received a check for \$500 for the Summer Camp Scholarship program.
- The Public Works Department received a check for \$500 for a tree trimmer.
- The Plantation Fire Department received a check for \$487.
- The Parks and Recreation Department received an additional check for \$2,500.

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Kristi Caravella, Director of Financial Services, announced the City of Plantation completed its First Comprehensive Annual Financial Report (CAFR). This Report was submitted for a Certificate of Achievement for Excellence in Financial Report. On October 28, 2013, notification was received from Government Financial Officers Association that the CAFR qualifies for a Certificate of Achievement for Excellence in Finance Reporting. The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting. The CAFR was judged by an impartial panel to meet the high standards of a program. The award was presented to Council. In addition, an award of Financial Accounting was presented to Mary Beazley and her staff for their efforts in compiling the information.

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Mayor Bendekovic presented Service Awards to the following Employees:

* Melinda Belinger	Police	25 years
Lynn Braden	Police	15 years
* James Campbell, Jr.	Police	15 years
* Off. Beverly Shank	Police	15 years
* Carlos Hernandez	Public Works	10 years
Deloris Lewis	Police	10 years
*Timothy Sherlock	Public Works	10 years
Lisa Zelch	Planning	10 years
*James Bean	Utilities	5 years
Paulette Fiedler	Utilities	5 years
*Kenneth Hoyt	Parks and Recreation	5 years
Michael Porter	Utilities	5 years
Barrington Thomas	Utilities	5 years
*Off. William Tighe, II	Police	5 years

*Unable to attend.

Congratulations were offered.

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James Romano, Director of Parks and Recreation, made the following announcements:

- Summer Camp Registrations are scheduled for March 31, 2014. Summer Camp lottery will begin on April 28, 2014.
- Summer Camp begins on June 9 through August 4, 2014. There will be a two-week kids program from August 4 -15, 2014.
- PAL Registration is now available on-line. Registration for Flag football, Tackle Football, Tackle Cheerleading, Summer and Fall Basketball is being held April 1 through April 25, 2014 online and in person at Plantation Central Park.

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Mayor Bendekovic made the following announcements:

- Poetry Under the Stars on April 10, 2013 at 6:30 p.m. at Helen B. Hoffman Library. Admission is free.
- Plantation Farmers Market is held every Saturday from 8:00 a.m. until 2:00 p.m. at Volunteer Park.

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3. **ELECTION OF OFFICERS**

Motion by Councilmember Fadgen, seconded by Councilmember Levy, to nominate Councilmember Stoner, as President of the City Council. Motion carried on the following roll call vote:

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

Motion by Councilmember Levy, seconded by Councilmember Zimmerman, to nominate Councilmember Jacobs, as President Pro tem of the City Council. Motion carried on the following roll call vote:

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

Congratulations were offered to the new President and Pro tem.

The gavel was passed to Councilmember Stoner.

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CONSENT AGENDA

As a Commissioner of the CRA, Mayor Bendekovic has a voting privilege on Item No. 13.

Item No.'s 6, 7, 11 and 14 were removed and discussed separately.

Mr. Lunny read the Consent Agenda by title.

4. Request to approve funds in the amount of \$25,975 to purchase yearly maintenance for the City's Cisco network infrastructure. (Budgeted –IT)
5. Request to approve contract to Sanders Company, Inc. for the "Supply and Install Water Quality Remote Monitoring System" in the amount of \$73,000.00 (Budgeted – Utilities)

Ordinance No. 2497

8. **ORDINANCE** Public Hearing for Second and Final Reading amending Chapter 14 of the Code of Ordinances; creating Section 14-136 to include definitions for solicitors and canvassers and roadway solicitors and canvassers; creating Section 14-139 to be entitled "Roadway Solicitors and Canvassers on Public Roads"; providing in Section 14-139 for a prohibition for solicitors and canvassers on certain roadways and right-of-ways within the City; providing a finding and statement of intent; providing for a penalty as specified in Section 1-13; providing for codification; providing for conflicts; providing for severability; and providing for an effective date.

Resolution No. 11853

9. **RESOLUTION** appointing the fifth member to the City of Plantation's Volunteer Firefighters' Retirement Board. (Tingom)

Resolution No. 11854

10. **RESOLUTION** assessing a lien on 7781 W. Sunrise Blvd. for the cost to the City of Plantation of its mowing and clearing said property. (BF 10 LLC)

Resolution No. 11855

12. **RESOLUTION** approving the Expenditures and Appropriations reflected in the Weekly Expenditure Report for the period March 6, 2014 through March 19, 2014 the Plantation Gateway Development District.

Resolution No. 11856

13. **RESOLUTION** approving the Expenditures and Appropriations reflected in the Weekly Expenditure Report for the period March 6, 2014 through March 19, 2014 the Plantation Midtown Development District.

Resolution No. 11857

15. **RESOLUTION** approving the Expenditures and Appropriations reflected in the Weekly Expenditure Report for the period March 6, 2014 through March 19, 2014 the City of Plantation's Community Redevelopment Agency.

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

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

Mayor Bendekovic voted affirmatively on Item No. 13.

NOTE: After discussion of items pulled from the consent agenda, Item No. 8 was reconsidered.

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Mr. Lunny read Item No. 6 by title.

6. Request to purchase one (1) E-One Custom Rescue Pumper mounted on an E-One Quest Chassis from Hall-Mark Fire Apparatus for \$497,632.00 (Budgeted – Fire)

A memorandum from Laney Stearns, Fire Chief, to Mayor and City Council members dated March 21, 2014 follows:

The Fire Department is requesting to purchase an E-One Custom Rescue Pumper for \$497,632.00 to replace a 1995 Ferrara Pumper. Engine 62 is 1995 Ferrara Pumper which according to the apparatus replacement schedule is due to be replaced next year after 19 years of frontline service. Due to the recession we were unable to place this unit in reserve status for the customary 5 years. If continue to experience full frontline duty, causing the wear and tear associated with additional responses during its entire life span.

E-62 is in need of repairs in excess of \$28,000.00 to completely repair the upper portion of the motor including sleeves, piston, rings, rod bearing and injectors. This amounts to a rebuild of the engine and in order to comply with the current NFPA standard we would have to bring the unit up to the current code and EPA standards, this would include changing the transfer case and the transmission. The cost of this repair is estimated at approximately \$100,000.00.

Therefore, given, the age of the apparatus and the magnitude of the repair, our position is that it is more cost effective to replace this unit than to repair it.

Should you have any questions, please feel free to contact me.

Councilmember Fadgen questioned whether the repair would extend the life of the fire truck and the number of operating hours and miles driven for this truck.

Fire Chief Laney Stearns explained this truck is scheduled to be replaced as part of next year's budget. The truck has been depreciated to \$0. He noted the truck would have to be brought up to the new EPA standards and may cost over \$100,000 to repair depending on how the new standards could be applied. He felt it was not cost effective to repair.

Councilmember Stoner questioned whether the standards for this fire truck and the other fire trucks in service have been upgraded. She expressed concern that the refurbishment is not part of the general maintenance program. She questioned the definition of refurbishment.

Chief Stearns advised the trucks are purchased in “as-is condition”. He noted refurbishment is different than standard maintenance. He advised of the extensive costs to refurbish trucks versus the general maintenance. The money will be budgeted from designated capital. He referenced the extensive maintenance history and provided a brief description. It was his belief the refurbishment will last at most 4 years. If this request is approved, the subject truck will be placed for auction and a new truck will be sought.

Councilmember Levy expressed his belief that fire safety equipment is of the utmost importance.

Councilmember Zimmerman noted in conversations with other fire departments, they generally have 6 units which are not older than 2001.

***Motion by Councilmember Fadgen, seconded by Councilmember Levy, to approve Item No. 6 as presented.
Motion carried on the following roll call vote:***

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

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Mr. Lunny read Item No. 7 by title.

Ordinance No. 2498

7. **ORDINANCE** Second and Final Reading pertaining to the subject of a moratorium; imposing a temporary moratorium on the receipt or processing of applications, permits or pending approvals pertaining to the installation or siting of any “Telecommunications Towers”, as may be defined by Federal Law, or “Wireless personal telecommunications service antenna Towers” as defined by Chapter 5.5 of the Plantation City Code, or “Tower” as defined under Section 365.172 Florida Statutes, or any other communications facilities solely contained or mounted on a single-standalone tower, as may be contemplated by Section 337.401 Florida Statutes; such moratorium being effective for any municipal public rights-of-way within the City of Plantation, Florida, and for real property which is not vehicular public right-of-way (including private property within Plantation); providing an expiry date; providing a savings clause; and providing an immediate effective date.

City Attorney Lunny explained the timeline involved in terms of scheduling the public hearing meetings. He requested to extend the moratorium until June 30, 2014. There was no objection to the request. Mr. Lunny advised the body of the Ordinance will change to reflect the expiration date of June 30, 2014 should this be acceptable. It was noted the advertising requirements will not change.

***Motion by Councilmember Fadgen, seconded by Councilmember Jacobs, to approve Item No. 7 as presented.
Motion carried on the following roll call vote:***

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

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Mr. Lunny read Item No. 11 by title.

Resolution No. 11859

11. **RESOLUTION** approving an Agreement between the City of Plantation as Employer and the Florida State Lodge Fraternal Order of Police Bargaining Agent for Plantation Police Department for Fiscal Years 2012/2013, 2013/2014 and 2014/2015.

A memorandum from Margie Moale, Human Resources Director to Mayor and Members of Council dated March 26, 2014 follows:

The Collective Bargaining Agreement (CBA) between the City of Plantation and Fraternal Order of Police (FOP) Lodge 42 is proposed for your ratification. The effective dates of the CBA are October 1, 2012-September 30, 2015. The FOP has the CBA out for a ratification vote by its membership and will provide the results to Administration prior to this evening's Council meeting. You will be informed of the FOP's ratification results once Administration is notified of same. Should the FOP results not be favorable, this agenda item will be pulled.

Mayor Bendekovic expressed her pleasure with the ratification of the contract. She thanked the FOP for their efforts to work with the City.

Councilmember Stoner noted this has been the hardest contract to negotiate. She reiterated both sides made concessions and felt that both parties understand what is important on both sides.

Motion by Councilmember Stoner, seconded by Councilmember Jacobs, to approve Item No. 11 as presented. Motion carried on the following roll call vote:

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

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Resolution No. 11858

14. **RESOLUTION** approving the Expenditures and Appropriations reflected in the Weekly Expenditure Report for the period March 6, 2014 through March 19, 2014.

Councilmember Zimmerman advised he was abstaining from Check 155374 to the Broward Alliance for Neighborhood Development. The appropriate forms are on file in the City Clerk's office.

Motion by Councilmember Jacobs, seconded by Councilmember Fadgen, to approve Resolution No. 11857 as presented. Motion carried on the following roll call vote:

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

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Motion by Councilmember Fadgen, seconded Councilmember Jacobs, to pull Item No. 8 for the Consent Agenda. Motion carried on the following roll call vote:

Ayes: Fadgen, Jacobs, Zimmerman, Stoner
Nays: Levy

NOTE: Item No. 8 was read earlier in the meeting as part of the consent agenda.

Ordinance No. 2497

8. **ORDINANCE** Public Hearing for Second and Final Reading amending Chapter 14 of the Code of Ordinances; creating Section 14-136 to include definitions for solicitors and canvassers and roadway solicitors and canvassers; creating Section 14-139 to be entitled “Roadway Solicitors and Canvassers on Public Roads”; providing in Section 14-139 for a prohibition for solicitors and canvassers on certain roadways and right-of-ways within the City; providing a finding and statement of intent; providing for a penalty as specified in Section 1-13; providing for codification; providing for conflicts; providing for severability; and providing for an effective date.

A memorandum from Melissa Zelniker-Presser, Police Legal Advisor to Mayor and Members of City Council dated March 4, 2014 follows:

The City of Plantation is continually assessing the safety of our drivers and pedestrians that travel throughout our City. Their health, safety and well-being are always of the utmost importance. For the last several years, the issue of roadway solicitors and canvassers as it relates to their safety and the safety of the motoring public has been of paramount concern. As recently as October 26, 2013, a solicitor was struck by a careless driver at the intersection of Sunrise Boulevard and University Drive. This accident resulted in serious injury to the solicitor who was standing in the median at the time of the accident. It is incidents such as these that require us to take further action in protecting solicitors and the motoring public alike. This proposal seeks to amend Chapter 14 as currently written to include provisions that will restrict the location of solicitors and canvassers in the most dangerous roadways in our City. A team of City Staff including the Police Department and Engineering Department have come together to study, gather data and then analyze the public roadways in the City to determine the least restrictive means in which to accomplish the above mentioned goal.

As requested by the Mayor, this Ordinance serves to amend Chapter 14 of the City of Plantation Code of Ordinance to do the following:

- Include a definition for solicitors and canvassers and also roadway solicitors and canvassers.
- Create a new section entitled “Roadway Solicitors and Canvassers” which would prohibit anyone who needs the criteria under the newly created definition section from soliciting or canvassing on the following roadways (including any intersection): State Road 7, University Drive and Pine Island Road.
- Provide for the penalty to be the same process as utilized in Section 1-13 of the City Code. Once a citation is written for a violation of this ordinance, at the discretion of the Municipal Prosecutor, an information would be filed and a case would be prosecuted on behalf of the City in County Court. Currently, the cost associated with filing an information is a ten dollar (\$10.00) filing fee assessed by the Broward County Clerk’s Office.

This ordinance is now ready for consideration.

Councilmember Fadgen commented the trust of the Ordinance is for safety purposes and felt the Ordinance may be too broad. He recommended the following items be amended:

- Section 14-136 Definitions for (A) Canvasser or solicitor exclude the sentence “from place to place, from house to house, or from street to street.”
- (B) Deleting the words “or who personally hands to” and “whether or not such vehicle is temporarily stopped in the travel lanes of the road.”
- Prohibited roadways (B) delete “within 200 feet”

City Attorney Lunny noted this Ordinance was modeled after an Ordinance in a similar municipality. The definition of the canvasser or solicitor and a roadway canvasser or solicitor is one who approaches the vehicle, reaching into the vehicle and attempting to contact those in the vehicle with solicitations whereas as other canvassers or solicitors probably do not do that. This ordinance operates only to those roadway canvassers and solicitors. The Court’s opinion upheld the municipality because of that distinction. If one is standing in a safe area in the right-of-way or within 200 feet of the right-of-way, and you are not engaging in roadway canvassing or solicitors as defined in this ordinance, one would not be regulated by this Ordinance. He recommended leaving the definition the same and will verify the definitions and intent of the definitions are acceptable to the Police Department. He noted there are “no solicitation” ordinances that address residential properties.

Chief Harrison clarified the definition is 200 feet from the median strip in each direction. It was his intent to avoid individuals in between the cars 200 feet from the intersection to avoid traffic issues.

After discussion, Councilmember Fadgen withdrew his comments with regard to roadway canvasser and solicitor comment.

Motion by Councilmember Fadgen, seconded by Councilmember Jacobs, to approve Ordinance No. 2497 as presented. Motion carried on the following roll call vote:

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

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ADMINISTRATIVE ITEMS

Mr. Lunny read Item No. 16.

16. COUNCIL ACCEPTANCE OF COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2013.

A memorandum from Kristi Caravella, Financial Services Director, to Mayor and Members of City Council, dated March 17, 2014 follows:

Administrative Item for March 26, 2014 as follows:

COUNCIL ACCEPTANCE OF THE CITY OF PLANTATION COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2013.

Mr. William G. Benson, CPA, Partner will represent our auditors, Keefe, McCullough & Co., LLP at the City Council meeting to answer any questions pursuant to the subject audit report.

If any City Council Members have questions pertaining to, or want clarification to this report prior to the City Council Meeting of March 26, 2014, please do not hesitate to contact me at your convenience.

Ms. Caravella introduced Mr. Benson.

Councilmember Levy commended staff on the recommendation from the auditors as no comments.

Resident Dennis Conklin complimented staff on their efforts and commented with regard to the CAFR.

This is an information item; therefore, no vote was taken.

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17. DISCUSSION CONCERNING 5-YEAR CAPITAL IMPROVEMENTS PLAN FY 2015-2019.

A memorandum from Kristi Caravella, Financial Services Director, to Mayor and Members of City Council dated March 20, 2014 follows:

Attached you will find the proposed 5-year capital plan for Fiscal Years 2015-2019. Each Department will go through Budget Meetings with Administration to review the proposed Capital Improvements Plan (CIP) and determine the final proposed CIP budget to be presented to Council in July with the proposed preliminary budget – this and all budget related documents will evolve as we go through the budget process. At this time, we are providing this information for your review as a precursor to the upcoming Fiscal year 2015 budget season.

A summary sheet of all funds is provided as well as a detailed breakdown of capital expenses and projects by department and fund. Funding sources also are denoted. The larger capital projects needed throughout the City over the next five years will require funding through future bonds.

Ms. Caravella noted a change was passed out during the presentation. This is a preliminary 5-year budget plan. There is \$4.7 million proposed in the general fund for FY 2015/2016; \$4.2 million in 2016/2017, \$3 million in 2017/2018, \$1 million in 2018/2019. Council would have to approve the use of bond funds.

This is an information item which will be discussed further at budget time; therefore, no vote was taken.

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18. DISCUSSION REGARDING TRAM FARE AND SERVICE.

A memorandum from Edward Consaul, Public Works Direct and Priscilla Richards, Strategic Operations Administrator, to Mayor and Members of City Council dated March 26, 2014 follows:

REQUEST: Vote on the direction for the future of the TRAM fare and service

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

It is our understanding that the new County ILA will include the \$15.00 per service hour contribution and the requirement that the City maintain a minimum average of 7.1 passengers per revenue service hour per vehicle.

The City of Plantation entered into an Agreement with Limousines of South Florida, Inc., a Keolis Transit America Company, for the Operation and Maintenance of Transit Bus Service (Plantation Tram) in 2012 for one year with one year extension until September of 2014. The current rate is \$31.00 per service hour. The County contributes \$15.00 and the City provides \$16.00 per service hour.

Ms. Richards noted the public hearing was advertised 10 days ago in the Sun Sentinel and flyers were posted in all of the vehicles. Staff has invested time by collecting the money, preparing the money for the bank and taking the money to the bank. In addition a coin counting machine was purchased. It was noted the ridership and the amount of money being collected do not add to the \$.50 fare. According to the ridership, the total amount collected should be \$43,200 with \$30,000 actually being collected. Ridership has dropped 45% and 48% for both routes. Currently the ridership totals are meeting the requirements for Broward County ridership; however, staff feels the ridership will be maintained. Recommendations for changing the routes will have to be made through Broward County.

Mr. Consaul explained the process to collect the money does not allow anyone to see what the rider is placing in the collection box. This is not the same box used to collect fares on County buses.

Irv Minney, Broward County Transit, explained the County has electronic fare boxes which cost over \$10,000 and are solid. The fare is not monitored by the bus drivers; however, there are cameras on the bus.

Councilmember Stoner opened this discussion to the general public.

Hunter Thomas questioned why the money cannot be handed to the driver. It was explained this cannot be done due to liability reasons.

Discussion ensued with regard to the alternatives to the Tram service. It was noted the cost of service will increase from \$220,000 to \$316,000 conservatively next fiscal year. The County has decided not to absorb the Tram service. The City's cost per rider has doubled from \$2.00 to \$4.00 since inception of the fare.

Councilmember Jacobs was not in favor of renewing the ILA.

Councilmember Fadgen expressed a desire to see what the cost of services and ridership for surrounding areas and not to do a RFP. He would like to piggy-back on an existing contract.

Councilmember Zimmerman would like to review the data from the surrounding municipalities and the RFP information.

Councilmember Levy advised he would like to have another public hearing. He concurred with Councilmember Jacobs.

Mayor Bendekovic challenged the County to recommend changes to the bus route so that the City's costs would continue at \$220,000 and the Tram would continue. If those changes cannot be made then the City may not continue the service.

City Attorney Lunny summarized the City will allow the contracts to expire and staff will work with the County to see there is an agreement to be arranged.

Councilmember Stoner opened the discussion to the general public. There being none, this section of the meeting was closed.

Motion by Councilmember Jacobs, seconded by Councilmember Zimmerman, to allow the ILA to lapse in September unless Staff can come up with a recommendation. Motion carried on the following roll call vote:

Ayes: Fadgen, Jacobs, Levy, Zimmerman, Stoner

Nays: None

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19. DISCUSSION CONCERNING PROPOSED REFERENDUM TO CHANGE FORM OF GOVERNMENT.

A memorandum from Mayor Diane Veltri Bendekovic and Donald J. Lunny, Jr., City Attorney to City Council dated March 20, 2014 follows:

I. INTRODUCTION

The Members of the City Council have requested an Agenda Item to discuss changing the City's Strong Mayor form of government to a Manager-Council form of government. In response to this request, the mayor formed a Working Group consisting of the Mayor, the Director of Human Resources, the City Clerk, and the City Attorney to prepare this Agenda Item.

In all fairness, there are "pros" and "cons" to the Strong Mayor form of local government, just as there are "pros" and "cons" to the Manager-Council form of local government. The Working group believes that the "pros" and "cons" are in the nature of political debate, and so these considerations are not emphasized in this Agenda Item. With the foregoing being said, however, the Working Group did wish to at least recognize that Plantation's existing political culture is that of an elected Strong Mayor, and the change to a City Manager will impact Plantation's citizens in terms of removing their ability to significantly and directly control their governance. The change will also affect the City Council.

As stated above, the Working Group desires to present some information for fiscal planning purposes, should the City Council desire to pursue this change, and to seek direction on the type of change that might be desired.

2. FISCAL CONSIDERATIONS

There are three areas of fiscal impact that can be reasonably anticipated in the City changes to a Manager-Council form of government.

- A. First, the Administration reasonably believes that the City would need to include additional funds in the Department of Administration's budget to fund a City Manager, his or her Deputy(ies), and his or her Office (including executive assistants). Attached for the Council Members' consideration is some information that was collected by the city Clerk and Human Resources Director concerning budgetary information.
- B. Secondly, the budgetary information discloses that current retention practice for a City Manager would include a severance package ("buyout") which would be paid when, as, and if the City Manager is terminated without cause. While the Buyout amount varies, the Administration reasonably believes that a six (6) month salary payment would be a prudent budget amount. The budget for Other Post Employment Benefits ("OPEB") would need to be increased by this amount, and an amount reasonably commensurate with the cost of continuation of health care benefits for such period.
- C. Finally, the Administration wishes to advise that when it interviewed candidates for the Chief Administrative Officer position, the Administration was unable to interview some qualified candidates because it had no money for recruitment expenses, and all candidates expected travel, lodging, and meals to be paid by the City during the interview process. This would only be more so if prospective City Managers were being interviewed. It is reasonably foreseeable that the members of the City Council would desire an outside search of candidates to thoroughly evaluate all likely candidates for the important position of City Manager. These expenses can range from \$1,000-\$1,400 in travel, meal-lodging per candidate interviewed, especially if "second interviews" are desired. In addition, the Administration believes a recruitment budget should also include executive search firm commissions. A reasonable amount to budget for a commission payment might be in the range of \$20,000 to \$22,000.¹

3. LEGAL DIRECTION REQUESTED

The Legal Department desires direction concerning the following:

- A. **Currently, the Office of the Mayor and Council Seats 1 and 2 are on the same election cycle. Council Seats 3, 4 and 5 are on the other election cycle. One important question for the ballot is when should the change become effective?**

(1) One option is to eliminate the Strong Mayor upon the expiration of the Mayor's next term of Office. If the municipal elections are changed to November, then the change would become effective in November 2018. If the municipal elections remain in March, the change would be effective in March 2019.

(2) Another option is to eliminate the Strong Mayor upon the expiration of the existing terms of Office for Seats 3, 4, and 5. Under this scenario, the change would be effective in November of 2016 (if elections are moved to November) or in March of 2017 (if elections are not moved). This means the upcoming election for Mayor would be for only a two (2) year term, or a one (1) year and eight (8) month term, respectively.

¹ When Sunrise conducted its City Manager search in 2012, its contract with Colin Buenziger & Associates called for base compensations of \$21,500, with additional services billed at \$125 per hour.

(3) Another option is to have the change become effective upon voter approval in November of 2014. The following are some practical concerns with this option, and so it is not recommended:

- i. The City would need to include funds in this year's 2014-2015 budget to fund a City Manager and his or her Office, the OPEB budget, and recruitment.
- ii. The City's ability to recruit good candidates would be affected significantly by the fact that the next City election after November of 2014 is in March of 2015 (few City Managers would accept a new position not knowing for whom he or she would be working).
- iii. It is likely that City Managers would need to provide significant notice to their employers to give such employers a full and fair opportunity to replace them.
- iv. The short period of time from November to March will affect the City Council's ability to *both* select a Manager and effectively transition the Manager to the City: and
- v. It is difficult to run for any elective office. The March 2015 Mayoral election will likely be affected by candidates not knowing the type of elective office for which they are running.

B. If the change to a Manager – Council form of government is approved, it is anticipated the “Mayor” will likely become the ceremonial head of government, will not have veto power, will always be able to vote on any item, and will run the City Council Meetings. Will the Council Officer’s title be retained?

- (1) If a designation of “Mayor” is desired, will such designation:
 - i. Only be a “retitling” of the “president of the City Council” to “Mayor” (such that “President” and “President Pro Tem” become “Mayor” and “Vice Mayor” respectively)?
 - ii. Involve a “retitling” of the Council Officers, but with the offices being subject to a mandatory rotation, commencing with Seat 1 (since Seat 6 is being eliminated)? The election assessments would be the same under this option B.(1).ii.
 - iii. Involve a “retitling” of the Council Offices, but with the Mayor assigned to a seat so that a person runs for “Mayor,” while “Vice Mayor” is selected each year from the Members of the City council (thus, the Mayor’s position would not change during the respective term of his or her Office)? Under this option, does the Council wish to keep the different levels of election assessments?
 - iv. Involve a “retitling” of the Council Offices, but with the Mayor assigned to a Seat so that a person runs for “Mayor,” while the position of “Vice Mayor” is subject to a mandatory rotation? Under this option, does the Council wish to keep the different levels of election assessments?

- v. Involve a “retitling” of the Council Offices, but with both titles assigned to Seats so that a person runs for “Mayor” and “Vice Mayor” (thus, these positions will not change during the respective terms of Office)? Under this option, does the Council wish to keep the different levels of election assessments?
- vi. The Administration assumes the Council’s position of Treasurer, and the Mayor’s appointment privilege of same, would be deleted. State law has largely preempted the Treasurer’s contemplated duties.²

C. What is desired for Manager-Council control over the City’s Administration?

Since the Municipal home Rule Powers Act became effective, Plantation has never had a referendum concerning its Charter. The Act made existing Charter provisions have the legal effect of ordinances, except where the Act provides to the contrary. For example, the Act forbids any amendments to a City Charter which changes the distribution of powers among elected officials without a referendum. Some of the City’s law concerning City Department Heads and employees was not approved by referendum.

If the council decides to pursue further the Manager-Council form of government, the Legal Department recommends that the Council establish clear provisions on the subject of any *desired Council control* over the City’s Administration.

(1) In Manager-Council forms of government, the Manager is the Chief Executive Officer. In order to allow the Manager to manage effectively, Managers usually have control over the hiring and firing process of employees and Department Heads, and some Charters forbid Commissioners from individually instructing employees.³

Currently, the Mayor appoints the City Clerk, City Attorney, and Chief of Police whose appointments require ratification by the city Council prior to the commencement of service. The employment of other Department Heads also requires City Council approval before service commences.

While the Work Group anticipates that a City Manager would extend to the Council the *courtesy* of meeting Department Head candidates prior to the Manager hiring them, an objective observer

² Section 30 of the Charter provides:

“The City Treasurer of the City of Plantation shall be appointed from among the members of the City Council by the Mayor, with the approval of the City Council, and said City Treasurer shall be the custodian of all the moneys of the City, and shall keep and preserve the same in such manner and in such place, or places, as shall be determined by the City Council.”

³ For example, Section 3.07 of the Charter of the City of Fort Lauderdale provides:

“Neither the City Commission nor any of its members shall direct the appointment of any person to office or employment by the City Manager, or in any manner prevent the City Manager from using his own judgment in selecting those officers or employees which he is entitled to appoint or select under provisions of this charter, and the civil service system rules and regulations. Except for the purpose of inquiry, the commission and its members shall deal with the administrative service solely through the City Manager, and neither the commission nor any member thereof shall give order to any subordinates of the city Manager, either publicly or privately. Nothing herein contained shall restrict the power of the commission at regular or special meetings by normal motion, resolution or ordinance to establish policies and require compliance therewith by all personnel in the service of the City.”

could likely conclude that the City's current Department Head employment practice would negatively affect the City's ability to recruit or retain preferred candidates for a City Manager.

(2) The Legal Department also recommends that the Council determine and include in any proposed change of governance whether any Department Heads would report to, take direction from, and remain responsible to the Council as opposed to the Manager.

(3) It is not expected that the City Council's budgetary provisions for Departments, Divisions, positions, and compensation ranges would be affected by the proposed change in government.

D. Do the Members of the City Council desire to have their Offices change to "Commission"?

4. CONCLUSION

Whether to pursue further the Manager-Council form of government is now ready for consideration. Direction and feedback is requested.

Mayor Bendekovic explained Council requested the different forms and more information with regard to Strong Mayor versus the City Manager form of government. The fiscal considerations and time frame considerations were provided.

Councilmember Jacobs commented, if approved, it was his belief the switch should take place after the 4 year term for the Mayor who is elected in March 2015. He expressed his belief that term should not be shortened and the costs could be deferred until that time.

Councilmember Stoner questioned why would the decision be delayed in being implemented.

Mayor Bendekovic commented if the decision was delayed, the City could plan for the changes financially.

Councilmember Levy expressed his belief to have the questions on the ballot and enact the enabling language over the next few years regarding the decision at the election. He felt there was a reason why 30 out of 32 municipalities have moved to the City Manager form of government. A City Manager would be responsible to Council and the citizens, while a Mayor is elected for four years. He reiterated the enabling actions need to be decided after the decision is made in November.

Councilmember Fadgen felt, if approved, the change should take effect in 2018. He questioned the cost savings for moving the election from March to November and whether City Manager form of government would save money. He noted consideration needs to be given to hiring/firing of executives and whether there should be a change from Council to Commission. It was his belief the powers of the City Manager (if approved) and Council need to be more clearly defined.

City Attorney Lunny requested direction on the aforementioned items particularly item 3, so that he could compile the information for what would be proposed. The role of the City Manager and Council needs to be defined.

Councilmembers Jacobs, Levy, Zimmerman, Fadgen, Stoner were in favor of the changes being made in 2018 or 2019 (option 1 under A) depending on it the voters decide to move the elections.

Councilmembers Jacobs, Levy, Zimmerman, Stoner were in favor of retitling President and President Pro Tem to Mayor and Vice Mayor under option I Item B.

These changes would be required to have a Charter Amendment. The last change by referendum was done by the municipal home rules power act and was enacted by referendum in 1969 or 1971.

City Attorney Lunny stated a Charter Amendment can be done by Ordinance with the exception of a change in distribution of powers amongst the elected officials which requires a referendum.

Councilmember Jacobs felt there are certain employees that should report to the City Council rather than the City Manager such as Police, Fire Chiefs, City Clerk and possibly the City Attorney. It was his belief the City Manager should deal with the other Departments.

Discussion ensued with regard to “the chain of command” and the ability for Council to correspond directly with Department Heads versus speaking through the City Manager.

Councilmember Stoner expressed her belief she should be able to talk to any Department Head and not have to contact the City Manager first.

It was noted that the Charter would define the chain of the command. Some Cities have a non-interference clause defined as part of the Charter.

It was the consensus with Item C to use example 1 include the City Attorney, City Clerk, Fire Chief and Police Chief reporting to Council and include a non-interference clause.

Mayor Bendekovic distributed a copy of a Visioning Session from 1997. It was her belief the Strong Mayor form of government has done the City well for the past 60 years.

Councilmember Jacobs expressed his belief that Commissioner is gender neutral and should be changed only if the referendum passes.

Councilmember Fadgen objected to the term Commissioner. He questioned why Council was proposing these questions.

Councilmember Jacobs felt the question should be asked to the voters; however, he was not advocating for a change.

Direction was given to prepare an ordinance for first reading.

* * * * *

LEGISLATIVE ITEMS

Mr. Lunny read Item No. 20.

20. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE PERTAINING TO THE SUBJECT OF FINANCE; INCREASING VARIOUS FEES AND CHARGES OF THE CITY FIRE DEPARTMENT FOR PERMITS AND INSPECTION; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE THEREFOR.

A memorandum from Donald J. Lunny, Jr., City Attorney to Mayor and Members of City Council dated March 17, 2014 follows:

The Finance and Fire Departments advise that the Council authorized a twenty percent (20%) increase to the Fire Department's permit and inspection fees when the current budget was approved. However, no specific ordinance or resolution has been adopted to implement this change.

Inasmuch as the fees are set forth in a chart in the City's Code, Staff would prefer that the City adopt an Ordinance amending the chart as opposed to approving the fee increase by Resolution (doing the latter may cause confusion by the public between the Resolution and the Code).

A housekeeping Ordinance is attached, and is ready for consideration at First Reading as a Legislative Item.

City Attorney Lunny noted this is a house keeping item so that the Code and the previously approved item are not in conflict. There would be additional revenue that was approved by resolution during last year's budget process. The fees were not implemented at that time.

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

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

* * * * *

Mr. Lunny read Item No. 21.

21. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE OF THE CITY OF PLANTATION, FLORIDA, CALLING FOR AN ORDERING A BINDING REFERENDUM TO BE HELD IN THE CITY OF PLANTATION ON NOVEMBER 4, 2014; TO DETERMINE WHETHER A MAJORITY OF THE ELECTORS VOTING IN SUCH REFERENDUM ARE IN FAVOR OF CERTAIN PROPOSED CHARTER AMENDMENTS THAT WOULD REQUIRE CANDIDATES FOR CITY ELECTIVE OFFICE TO HAVE RESIDED WITHIN PLANTATION FOR A MINIMUM OF ONE (1) YEAR PRIOR TO THE QUALIFYING PERIOD OPENING; ESTABLISHING THE DATE OF THE REFERENDUM FOR THE CHARTER AMENDMENTS TO BE HELD ON NOVEMBER 4, 2014; REQUESTING THAT THE BROWARD COUNTY SUPERVISOR OF ELECTIONS CONDUCT THE ELECTION IN ACCORDANCE WITH APPLICABLE LAWS AND REGULATIONS; PROVIDING BALLOT LANGUAGE; DIRECTING THAT THE NOTICE OF

ELECTION BE PREPARED AND PUBLISHED; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

A memorandum from Donald J. Lunny, Jr., City Attorney to Mayor and Members of City Council dated March 20, 2014 follows:

The Council requested for consideration a proposed Ordinance requiring persons who wish to run for Plantation elective offices to have resided within Plantation for one year prior to the opening of the qualification period.

An Ordinance to this effect is attached.

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

Councilmember Fadgen expressed his belief that this action is unnecessary.

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

Ayes: Jacobs, Levy, Zimmerman, Stoner
Nays: Fadgen

* * * * *

Mr. Lunny read Item No's. 22 and 23. The following items were heard together and voted on separately.

22. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE OF THE CITY OF PLANTATION, FLORIDA, REZONING 14.3 PLUS OR MINUS ACRES FROM "OP-P" (OFFICE PARK – PLANTATION DISTRICT) TO "SPI-3" (PLANTATION MIDTOWN DISTRICT); IN ACCORDANCE WITH THE CITY OF PLANTATION COMPREHENSIVE ZONING ORDINANCE, CHAPTER 27-681; PROPERTY LOCATED AT 8021 PETERS ROAD WITHIN THE CITY OF PLANTATION, FLORIDA; AND DESCRIBED AS A PARCEL OF LAND IN THE EAST ONE-HALF OF SECTION 9 TOWNSHIP 50 SOUTH, RANGE 41 EAST, SAID PARCEL INCLUDING A PORTION OF PARCEL 1, ACCORDING TO THE PLAT OF JACARANDA PARCEL 817 AS RECORDED IN PLAT BOOK 143 AT PAGE 1 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED IN THE LEGAL DESCRIPTION IDENTIFIED AS "EXHIBIT A"; PROVIDING FINDINGS; PROVIDING A SAVINGS CLAUSE, AND PROVIDING AN EFFECTIVE DATE THEREFOR.

Motion by Councilmember Jacobs, seconded by Councilmember Zimmerman, to approve Item No. 22 as presented. Motion carried on the following roll call vote:

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

* * * * *

All witnesses intending to testify on quasi-judicial items during tonight's meeting were sworn in by Susan Slattery, City Clerk.

* * * * *

QUASI-JUDICIAL CONSENT AGENDA

23. REQUEST FOR REZONING FROM OP-P (OFFICE PARK) TO SPI-3 (PLANTATION MIDTOWN DISTRICT), MASTER PLAN, SITE PLAN, ELEVATION AND LANDSCAPE PLAN FOR MULTI-FAMILY RESIDENTIAL DEVELOPMENT LOCATED ON THE NORTH SIDE OF PETERS ROAD APPROXIMATELY 750' WEST OF UNIVERSITY DRIVE. THE PROJECT GENERALLY KNOWN AS CROSSROADS RESIDENCES.

REQUEST #1: Rezoning from OP-P (Office Park) to SPI-3 (Plantation Midtown District)

REQUEST #2: Master Plan, site plan, elevation, and landscape plan for multi-family residential development

WAIVER REQUESTS:

- 1) From: Section 27-624, which requires density to be calculated based on the "equivalent site area" when the residential use is allocated to one portion of the site;
To: Increase the allowable density based on the equivalent site area from 151 dwelling units to 286 dwelling units.
- 2) From: Section 27-624(d), which limits lot coverage to a maximum of 25%;
To: Increase the lot coverage to 34% (57,682 square feet.)
- 3) From: Section 27-624(d), which limits the floor area ratio to a maximum of 114%;
To: Increase the floor area ratio to 200% (344,414 square feet.)
- 4) From: Section 27-689(d)(4), which requires one-bedroom units to be a minimum of 750 square feet in area (measured inside wall to inside wall);
To: Allow up to 131 one-bedroom units with the square footages ranging in area from 688 square feet to 706 square feet (measured inside wall to inside wall).
- 5) From: Section 27-624(c)(2), which requires front and rear setbacks of 40-feet;
To: *Reduce the front (south) setback to between 26.1-feet and 37.5-feet; and
To: *Reduce the rear (north) setback to between 12-feet and 17-feet.

**For purposes of building permit site plan review, Site Plan Sheet SP-1, stamp-dated by the architect January 27, 2014, shall control setback dimensions and locations along the north, west, and south lot lines.*

- 6) From: Section 27-624(c)(2), which requires a corner street side setback of 20 feet;
To: Reduce the corner street side setback to a minimum of 16-feet (measured to the inside edge of the sidewalk).

- 7) From: Section 27-747(d)(2), which requires six loading zones;
To: Reduce the number of required loading zones to two.
- 8) From: Section 27-742(e), which requires a 25 foot drive aisle for 90 degree parking;
To: Allow a 24 foot drive aisle.
- 9) From: Section 27-743(2), which requires 652 parking spaces;
To: Reduce the required parking from 652 spaces to 533 spaces.
**Please see discussion under Analysis.*
- 10) From: Section 13-41(a) (b) (c). Pedestrian zones along building facades.
Landscape pedestrian zones shall extend the full width of each façade which abuts a parking or vehicular use area; the minimum width of such landscape zone shall relate to the adjacent structure's wall height. Wall height > 60' the required landscape zone width shall be no less than 30%, nor more than 50% of such wall height.
To: Reduce the required landscape pedestrian zone along the northern façade from 19.2'-32' to 17'.
To: Reduce the required landscape pedestrian zone along the southern façade from 19.2'-32' to 17'.
Staff Response: Landscape Staff has concerns with the tight planting spaces throughout the landscape pedestrian zones on this project.
- 11) From: Section 13-41(a). Pedestrian zones along building facades.
For all trees required throughout the landscape pedestrian zoned 25% of the trees shall be a minimum of 10'-12' installed height. The remaining 75% of the trees shall be a minimum of 16'-18'.
To: Reduce the required landscape tree heights along the western landscape pedestrian zone along the northern façade from trees a minimum tree height of 16'-18' to 12' tree height.
To: Reduce the required landscape tree heights along the southern landscape pedestrian zone along the northern façade from a minimum tree height of 16'-18' to 12' tree height.
Staff response: Landscape Staff has concerns with the height of the proposed plant material in relationship to the height of the multi-family residential building.

EXHIBITS TO BE INCLUDED: Zoning Ordinance; Planning and Zoning Division report; subject site map; application; City Council Minutes of July 11, 2013, October 9, 2013 (not available), and November 20, 2013 (not available); Planning and Zoning Board Meeting minutes of May 7, 2013; Landscape Planning Review Board Meeting minutes of May 7, 2013; and Review Committee Meeting minutes of February 26, 2013.

PLANNING AND ZONING BOARD RECOMMENDATION: APPROVAL of the site plan, elevations, and landscape plan subject to applicant working with staff to resolve the setback, design, landscape, and traffic study issues (4/2, Austin and Badore dissenting) and of the rezoning from OP-P (Office Park) to SPI-3 (Plantation Midtown District) (6/0), May 7, 2013.

LANDSCAPE PLANNING REVIEW BOARD: DENIAL subject to staff comments. (0/5, May 7, 2013).

REVIEW COMMITTEE RECOMMENDATION: NO OBJECTION to the project moving forward for further review (February 26, 2013).

PLEASE NOTE: *Due to the complexity of this project, PZED staff requests that the City Council be specific with regard to their recommendation.*

ANALYSIS:

The subject site is located on the north side of Peters Road approximately 750’ west of University Drive. The east side of the site abuts the rear of an existing commercial plaza and the west side abuts the spine road (SW 80th Terrace) leading into the Crossroads Office Park. The site includes an existing office building surrounded by surface parking and a 3.9-acre (net) vacant parcel fronting Peters Road. Overall, the combined sites contain 14.3-acres (gross.)

The applicant has submitted a concurrent Land Use Plan Amendment (LUPA) to change the underlying Comprehensive Future Land Use Plan Map designation from “Office Park” to “Office Park and Irregular Residential all within a Dashed-Line Area”. The Planning and Zoning Board (sitting as the Local Planning Agency) previously recommended approval of the LUPA. The City Council approved the LUPA on 1st reading October 9, 2013.

The applicant is requesting approval to rezone the 14.3-acre (gross) modified master plan from OP-P (Office Park Plantation District) to SPI-3 (Plantation Midtown District) and approval of a master plan/site plan to build a 286 unit apartment building on the southern 3.9–acres (net) of the overall site.

Policy 1.16.1 of the City of Plantation Comprehensive Plan states that the City shall consider the criteria in this section, in addition to all other appropriate policy considerations stated elsewhere in this Plan, when making a decision on whether to change the zoning classifications for a parcel of property. The criteria with the applicant and staff’s responses are attached as Exhibit “A”.

The proposed apartment building is six stories high (59 to 69 feet) and 610 feet long abutting Peter’s Road. The building has a contemporary design of terra cotta, off-white and coral toned stucco with stacked stone veneer accents that wrap a six-story parking garage. Each level of the parking garage provides direct access to the same level of the residential building.

A dog park is provided on the east side of the building with pool and clubhouse amenities provided on the northwest side of the building.

Under the SPI-3 (Plantation Midtown District) zoning district regulations, Peters Road is classified as a “C” Street. C Streets are defined as “large, regional arterials bounding the district...intended primarily for efficient vehicular movement” that are characterized by large setbacks with landscape buffers. The required “C” Street setback is 40 feet adjacent to Peters Road. In the most recent submittal, the applicant has increased the proposed setbacks adjacent to Peter’s Road as follows:

- The setback for the west 277-feet of the building feet is 28-feet to 37-feet (initial plan provided 25-feet);
- The setback for the center 138-feet of the building (urban courtyard) is 80+ feet; and
- The setback for the east 193-feet of the building is 26-feet deep to 31.5-feet (initial plan provided 17-feet).

City Code requires 652 parking spaces for the 286-unit project based on the proposed mix of 1, 2, and 3 bedroom units. The applicant provides 533 parking spaces for a 119-space or 18.2% reduction below code. The applicant requests a parking waiver (see below) to provide an average of 1.86 spaces per unit. Staff offers an alternative requirement of 1.96 spaces per unit based on the unit mix and parking garage plan.

Plantation Code*	Staff Alternative	Applicant Waiver
652 spaces* (2.27 spaces per unit based on the unit mix, including guest parking)	562 spaces* (1.96 spaces per unit based on the unit mix, including guest parking)	533 spaces* (1.86 spaces per unit based on the unit mix, including guest parking)

*Provided parking includes garage spaces (525 spaces), as well as any parking spaces located in the urban courtyard along Peters Road (8 spaces.) The parking code does not allow time-restricted, adjacent off-site parking to be included in the provided parking calculation.

STAFF COMMENTS:

Planning:

1. Staff will update the council on the status of the “companion” future land use plan amendment (LUPA) and the City affordable housing analysis.
2. If approved, the Rezoning, Master Plan, Site Plan and Elevations shall not become effective until the following occurs:
 - a) The LUPA is approved by the City Council (2nd Reading);
 - b) The LUPA is approved by the Broward County Planning Council (2nd Reading) and Broward County Commission (2nd Reading);
 - c) The State Department of Economic Opportunity (formerly the Florida Department of Community Affairs) publishes a “Notice of Compliance” and no entity with standing objects to the determination within the statutory period; and
 - d) The LUPA is certified by the Broward County Planning Council.
 - e) A unified control document, approved as to form by the City Attorney, is recorded.
3. Based on 286 multi-family units, the estimated city impact fee will be \$524,238.00. This fee shall be paid prior to issuance of a building permit.

Zoning:

In General:

1. The applicant is requesting a waiver from how the Building Department computes permit fees. The applicant has been advised that building permit fees cannot be waived as part of the rezoning and site plan review process.
2. Due to the significant revisions required (see body of report), provide two complete signed and sealed sets and two discs of the architectural plans incorporating the requested revisions prior to submittal of the building permit. These plans shall be approved by the Zoning Division prior to approval of the building permit.
3. In order to increase the maximum allowable density (which would otherwise be limited to 122 dwelling units based on the 4.9 acre (gross) vacant parcel), the applicant proposes to rezone Crossroads Parcels IV (developed with an existing office building) and V (the vacant parcel) into a single 14.3 acre (gross) master plan which would allow up to 287 dwelling units. If the site plan is approved, the applicant shall submit a unified control document, approvable by the City Attorney prior to scheduling the second reading of the rezoning or land use plan amendment ordinance. The document shall be recorded prior to zoning approval of any building or building foundation permit.
4. The SPI-3 zoning district encourages land uses to be tightly integrated within an urbanized, mixed-use development pattern. When the residential use is allocated to one portion of the site, Section 27-624 requires the density to be calculated based on the “equivalent site area” which includes only that portion of the site to be developed with the residential use together with some consideration for structured parking. The allowable density based on the equivalent site area is 151 dwelling units. The applicant is requesting a waiver from the equivalent site area calculation to allow 286 dwelling units.
5. The existing office building, built in accordance with the OP-P district regulations will become non-conforming with respect to the SPI-3 zoning district requirements if the rezoning is approved. Staff has advised applicant’s legal representative, who has acknowledged staff’s concerns.
6. The office site shall be deed restricted for OP-P (Office Park) uses and the apartment component shall be deed restricted for residential uses. The applicant shall submit a deed restriction document approvable by

the City Attorney prior to scheduling the second reading of the rezoning or land use plan amendment ordinance. The document shall be recorded prior to issuance of a building or building foundation permit.

7. A plat amendment is required to change the plat note and non-vehicular access line to be consistent with the site plan, if approved. The plat amendment shall be completed prior to issuance of a building permit. .
8. The site plan package includes an easement vacation plan. Vacation of easements applications shall be submitted to the Engineering Department. Please contact the Engineering Department.

Site Data Table:

1. Delete all data tables from the engineering master site plan (second request). This information is not entirely accurate and is inconsistent with architect's site data table.
2. The architect shall provide two sets of corrected signed and sealed plans to zoning prior to submittal of the building permit addressing the following:
 - a. Architect's site data table indicates a net site area of 4.011 acres. Architect shall update the net site area, as well as lot coverage, floor area ratio, and possibly pervious area, to reflect the reduced net lot size after turn lane dedication (Estimated by staff at about 3.92 acres).
 - b. Revise the unit square footages on the site data table to reflect the paint-to-paint square footage as per code.
 - c. Delete all references to the setbacks from the site data table to avoid any inconsistency with the site plan.
 - d. Correct the parking table (Sheet A-0.1) to reflect required parking as per code. This includes correcting the required parking calculations to include guest spaces, for a total of 652 required parking spaces (which includes 71.5 guest parking spaces).

Site Plan:

Address the following:

- a) The architect's site plan does not identify curbing, making it difficult to determine how landscaping is separated from paved areas. Architect to revise site plan on all sides of the building.
- b) Parking along the west edge of the courtyard directly abuts the column of a covered patio of one of the units. Parking along the east edge of the courtyard appears to be 1.5 feet from the column of a covered patio. Architect shall revise the urban courtyard as follows:
 - i) Utilize and show curbing in lieu of the wheel stops for the 8 parking spaces. Decrease the length of these spaces to 16-feet of pavement with a 2-foot green vehicular overhang.
 - ii) Provide pavers for all vehicular use areas in the urban courtyard (including fire access areas).
 - iii) Architect's site plan does not match the landscape and civil engineer's plan in terms of the paved vs. unpaved areas. Revise architectural plan consistent with the landscape and civil plans.

Elevations:

1. The building elevations "key" (Finish Legend) is ambiguous, unclear, and references different treatments for the same numbered item. Also, building materials are not accurately labeled (i.e. two different materials, stucco bands and eyebrows, are graphically shown as the same). Applicant shall revise and resubmit two signed and sealed sets of building elevations (all sides) to clarify precisely what is proposed prior to issuance of a building permit.
2. All mechanical equipment attached to the building or roof enclosures shall be painted to match the building.
3. The five-story section on the west end of the parking garage does not appear to have roof top equipment. Please note that rooftop equipment not currently shown and later added to the permit plans shall meet the requirements of Section 27-653, which requires roof top equipment to be screened with an element as high as or higher than the equipment.
4. Staff suggests the following design improvements:
 - i) The stacked stone and building colors proposed are warm earth (according to color elevations). Based on this color scheme, staff suggests the applicant substitute "bronze" for "black" for metal grills and mesh panels.

- ii) Revise elevations plan so that all 6th floor balconies are covered by an awning, louver, or brow.

Floor Plans:

1. The elevations and the floor plans are inconsistent. For example elevation window locations are not located consistent with internal floor plans. Architect shall provide 2 sets of signed and sealed reconciled plans resolving these inconsistencies for zoning review prior to submittal of a building permit.

Details:

1. No wall pack lighting is shown on the building elevation. If added to the permit drawings, wall pack design and location shall be subject to zoning review.
2. Roof equipment screening shall be painted the same color as the building.
3. Per the roof plan, the five-story section on the west end of the parking garage does not appear to have roof top equipment. Ensure that any future rooftop equipment meets the requirements of Section 27-653, which requires roof top equipment to be screened with an element as high as or higher than the equipment.

Parking / Parking Garage:

1. Applicant's initial applications indicated that 72 to 100 parking spaces located on the office parcel would be available (not reserved) for resident/guest use at designated times weeknights and weekends. The applicant also indicated that a time restricted parking easement would be included in the Unified Control Agreement. If the City Council chooses to grant applicant's parking waiver request, staff suggests that the waiver be subject to the establishment of a parking easement on the office property (100 spaces) providing resident/guest availability from 6:00 pm to 8:00 am weekdays and from 6:00 pm Friday to 8:00 am Monday. *That being said, City staff has no practical ability to enforce such an agreement, and its success or failure in providing additional parking will depend on the willingness of the adjacent property owners to abide by the terms of the easement.*
2. Adjacent to the tenant parking security gate, the back out area is only 7 ½ wide. Revise plan to provide at 9 – 10 feet.
3. The parking garage is now labeled as mechanically ventilated. If building permit plans are submitted without mechanical ventilation, the Fire Department may require changes to the garage elevations. If more than a minor change, City Council review may be required.
4. Traffic circulation including driveway location on public streets and emergency vehicle access are reviewed by the Engineering Department.

Signage:

1. Signage is not part of this review.
2. Note: The site plan indicates signage on the proposed wall at the southwest corner of the property. The sign criteria of the office park does not allow for additional signage at this corner. Proposed signage in the courtyard requires further review.

TRAFFIC CONSULTANT:

Traffic Study Comments 03-04-14: Same comments as previous submittal.

1. The u-turns should have been accounted for in the left turn volume. Please revise.
2. The traffic study indicates a need for a signal at the intersection of Peters Road and SW 80 Terrace in order to reduce the significant delays that do occur today and will increase with the completion of this project. This intersection is the primary access point for the project and as such the installation of a traffic signal will need to be coordinated with Broward County Traffic Engineering (BCTED) prior to the issuance of a CO. This condition will become a part of the required Developer's Agreement for this project.

Signal Warrant Study Comments

1. The signal warrant study methodology was not coordinated with the City which is generating some of these comments.

2. The signal warrant study only did Warrant 1 and not a complete study of all the applicable warrants. This may have been due to Broward County Traffic Engineering Division's (BCTED) consideration of Warrants 1A and 1B. However Warrants 7A and 7B may also be considered by BCTED in conjunction with a crash problem but no data was provided for that warrant. All of the warrants should have been analyzed in the warrant study.
3. There is no table that provides a summary of the traffic counts and the averages that are used in the warrant study. There is no way to determine the right turn reduction percentage for the northbound and southbound approaches where the right turn lane is shared with the thru. There is no way to document that right turns were removed from the volumes on the eastbound and westbound approaches.
4. The volumes from the proposed development were based on traffic counts at a residential development in Miramar. This was not agreed to by the City and it is not known if that residential development has the same criteria (including location to major traffic facilities) as the one being proposed in Plantation.
5. The volumes on the northbound approach do not include all of the committed development from One Plantation Place.
6. The City concurs with the Applicant that a signal is warranted at the intersection of Peters Road and SW 80 Terrace. The Applicant has submitted the warrant study to BCTED and should work in conjunction with the County to see that the signal is installed prior to the issuance of a CO. This condition will become a part of the required Developer's Agreement for this project.

ENGINEERING DEPARTMENT:

1. The design for Fire Department access off Peters Road at the main entrance, while unorthodox in its application of asphalt pavement, pavement markings and brick pavers, satisfies the turning radii requirement for Fire Department apparatus.
2. Please vacate all impacted easements. *Comment to remain until complete. 04/18/13 Comment to remain until complete. 06-17-13: Same comment. 03-07-14: Same comment.*
3. Signing and marking is incomplete. Please provide on both civil and Site Plan sheets. *Comment not completely addressed. Please provide complete signing and marking on BOTH the Site Plan and the Civil plans. 04/18/13 The plans still do not match. Please correct so that Site Plan (Sheet SP-1) and the Civil plans match and are complete. 06-17-13: The Site Plan (SP-1) still does NOT have the signing and marking on the plan. Please include ALL of the signing and marking that is on the Civil plans on the Site Plan as previously requested. 03-07-14: Please meet with Engineering as now there are markings on the Site Plan that are not on the Civil plans and visa-versa.*
- a. *The stop bar must always be a minimum of four (4) feet back from the stop bar, please revise. 06-17-13: The crosswalk at SW 80 Terrace needs to be the minimum 4 feet, please correct. 03-07-14: Crosswalk missing on Civil plans, please meet with Engineering to correct this issues.*
4. A traffic study will be required as discussed in our October 23, 2012 meeting. *Comment to remain until complete. 04/18/13 Comment to remain until complete. The traffic study will need to be provided with the City Council submittal. 06-17-13: The traffic study and signal warrant study were provided to the City prior to this submittal. The review will provided in a separate document. 03-07-14: Please meet with Engineering to discuss the traffic comments.*
5. Please provide the approvals/permits from Broward County. *Comment to remain until complete. 04/18/13 Comment to remain until complete. Broward County approval and permit for the turn lane will be required at time of City permitting. 06-17-13: Same comment. 03-07-14: Same comment.*

Permit Comments

Note: A detailed review of the civil drawings has not been performed at this time. If the site plan application is approved by City Council, a thorough engineering review will be performed at the time of application for construction permits.

1. An erosion and sedimentation control plan will be required and reviewed at time of permitting. An NOI will be required.

2. A Maintenance of Traffic (MOT) plan will be required. Please meet with Engineering to discuss.
3. Drainage calculations will need to be submitted, signed and sealed by a professional engineer registered in the State of Florida.
4. Surface water management permit(s) through the Old Plantation Water Control District (OPWCD) and/or SFWMD may be required and a copy(s) provided to the Engineering Dept. at the time of permit review.
5. The Applicant will be required to execute a developer agreement and post security for all engineering and landscape related improvements at the time of permitting.

DESIGN, LANDSCAPE & CONSTRUCTION MANAGEMENT:

- When responding to staff comments, please bubble plan changes and specify the page number corrected in the written responses.
- Tree/palm removal and relocation permits as well as mitigation fees must be obtained directly through the Design, Landscape & Construction Management Department at the time of permitting. Please contact Diana @ 954-797-2248 directly to obtain required permits.
- The applicant will be required to execute a developer agreement and post security for all engineering and landscape related improvements at the time of permitting.

Site Plan:

1. Code requires landscape pedestrian zones to extend the full width of each façade abutting a parking or vehicular use area; the minimum width of such landscape zone shall relate to the adjacent structure's wall height (paved areas in the lpz may not constitute more than 5' of the required lpz). *Waivers required.*
2. In lieu of 18' parking spaces with wheel stops in the urban courtyard facing Peters Road please reduce the parking spaces to 16' with curbing allowing for additional green space.
3. Staff requests green space in lieu of striped concrete in the area south of the landscape circle in the urban courtyard facing Peters Road.
4. The site plan is not consistent with the landscape plan in the urban courtyard facing Peters Road.
5. Parking along the west edge of the urban courtyard along Peters Road is directly abutting the column of a covered patio; please provide adequate separation to allow landscape between the building and the parking spaces.
6. The landscape elevations are labeled incorrectly; on the cover sheet under the index of drawings the landscape elevations are labeled LE-1 – LE-3 while the actual plans are labeled EL-1 – EL-3.

Planting Plan:

1. Staff is concerned with the placement of the building and sidewalk in the immediate vicinity of the existing Royal palms along the southern perimeter. *Staff does not support the proposed sidewalk this close to the Royals as this will have a negative effect of the palms.*
2. Staff is concerned with the placement of the proposed building within 15' of existing mature Live oak trees along the eastern perimeter. *Staff does not support the proposed building within 15' of the existing tree canopy as this will have a negative effect on these trees.*
3. Please confirm the planting space for the proposed Live oak trees along the eastern perimeter – staff does not feel there will be sufficient space.
4. Please confirm that there are no existing or proposed utility lines in the location of the proposed planting of the Live oak trees along the eastern perimeter.
5. Staff does not recommend the planting of Royal palms in the immediate vicinity of pedestrian walkways as the palm fronds are quite heavy when they fall.
6. The plans submitted do not provide much shade in the courtyard; the residents might appreciate some shade during our warmer months.
7. Plans state there are 2 existing Cuban Laurel trees to remain (FR) – I do not see these trees on the existing tree survey (TR-1). Please clarify.

8. City staff will verify all trees proposed “to be removed or relocated”. All proposed trees “to be removed” must be mitigated for as per City codes; tree mitigation will be above and beyond code-required trees on the property. Staff is working with the applicant regarding this matter.
9. Required tree/palm heights throughout the landscape pedestrian zones have not been met – 25% of the required trees must be a minimum of 10’-12’ installed height; the remaining 75% of the required trees must be of installed heights relating to the adjacent wall structure height, as defined in City landscape codes. (i.e. Along the western lpz. Minimum tree heights have not been met). Waivers requested.
10. Irrigations plans shall be submitted at time of permitting; all landscape areas shall be provided with an automatically-operating underground irrigation system; with a minimum of 100% coverage, with 50% minimum overlap in groundcover and shrub areas. The rain sensor must be installed and operational as well as the rust inhibitor if applicable.
11. Under “Landscape Notes”, - please make sure there is consistency with regards to the planting practices/procedures between the City and submitted notes. Please add that the first order roots will be equal to or slightly above the final grade in addition to the first order roots being visible.
12. Under “Landscape Notes”, - (the last note) “Rock and construction debris shall be used in any planting area...” should read shall **not** be used in planting areas” in lieu of “shall be”, (all construction debris should be removed from the site).
13. Under “Landscape Notes”, Substitutions – Please note, substitutions shall be approved by the project landscape architect as well as the City of Plantation.
14. The small ornamental tree staking detail note #1 states “the final tree staking detail and placement to be approved by the owner” – the tree staking shall be installed as per the City of Plantation. Please amend or remove this comment.
15. Staff will work with the applicant with regards to the existing tree canopy along the eastern perimeter – this area should be cleaned up (removal of exotic invasive plant material removed), the trees should be fertilized, remedial pruning should be done as needed (tree trimming permits are required directly through the department of DL&CM), trees should be mulched, etc. Staff highly recommends this work to be done without delay.

BUILDING DEPARTMENT: No objection.

FIRE DEPARTMENT:

1. Fire Command room required at entrance of building in a location acceptable to the Fire Department.
2. A smoke evac system, which evacs the floor of incident and pressurizes other floors shall be provided in lieu of access to building.
3. Dumpster room must be large enough to accommodate both trash and cardboard dumpsters, full and empty. Dumpsters cannot be stored outside of room in garage.
4. Provide sidewalks from all stair exits to the public way.
5. Garage egress door will not be permitted to have access control installed on them.
6. Roof travel distance must be addressed.
7. All terraces shall be protected by fire sprinklers.
8. Fire lane shall be carried out all the way to the garage exit on north side.
9. Front area by roadway, around center circle and front of building shall be marked as fire lane.
10. Fire hydrant on island, NE corner, needs to be moved to building side of roadway.

POLICE DEPARTMENT:

1. All concerns on this project have been addressed by the Applicant.
2. The Police Department will not be requesting an impact study on this project.

UTILITIES: No objection to the conditional use approval, however, the following comments apply to the Site Plan. Approval

1. Prior to a Building Permit being issued, the following must be provided:
 - \$500.00 review fee must be submitted to the Utilities Department
 - Water and Sewer Utility plans must be submitted to the Utilities Dept. for a full review and approval.
 - BCHD and BC EPD Permits must be approved

- Utilities Agreement must be executed
 - Utilities Performance Bond must be posted
 - Utility Easements must be executed
 - Utility Inspection fees must be paid
 - Capacity Charges must be paid in FULL.
- Contact: Danny Pollio if you have any questions, 954.797.2159
 2. Additional pre-design meeting is required with the Utilities Department. Utilities has concerns about how the engineer proposes to connect to existing AC sewer force main on Peters Road.
 3. Offsite and onsite improvements will be required at proponent's expense to support project
 4. Complete Water and Wastewater Utilities must be shown on plan before a proper review can be completed.
 5. Show all existing water and wastewater facilities on site plan including water main on east side of property
 6. Provide plan for vacating easements as necessary
 7. Show all new and existing water and sewer lines and easements on landscaping and drainage plan and provide detail on how the eastern property line will be addressed with landscaping in close proximity to existing water main.
 8. Maintain all utilities and utilities easements for water and wastewater system access. No utilities can be removed from service until all new water and sewer lines have been installed, tested, certified and accepted by City.
 9. Full Utilities plan review & approval is required prior to permitting. No plans are for construction until marked "FINAL" and some additional comments may apply.
 10. Water main on eastern side of property has not been addressed.
 11. TV inspection required from existing manhole #2 downstream manhole outside of lift station along with existing manhole #13 downstream to manhole outside of lift station. City of Plantation Utilities will determine if lining and/or repairs will be required including all existing manhole conditions.

O.P.W.C.D.:

1. Old Plantation Water Control requires an acceptable drainage plan with retention and runoff calculations and a construction drawing prior to issuance of a building permit.
2. Acceptable As-built drawings and Certified Stormwater Inspection Reports will be required prior to issuance of a Certificate of Occupancy.

WASTE MANAGEMENT: No objection.

Attorney Bill Laystrom, Stiles Representative Jay Jacobson and Architect Jon Auerbach were present. Mr. Laystrom presented a brief history and overview of the project. This will be a six-story apartment building similar to those constructed at One Plantation Place. He reiterated the retail development in the Midtown District expands with the residential development. The Midtown District has been focused on commercial and it was his belief this is the time to consider residential development. Mr. Laystrom requested the right to discuss the impact fee costs at a later date and once the costs are determined. A complete revision was made to the elevations after the previous submittal in June. He agreed to the staff comments and will work with staff. He noted the level of parking compares to Veranda, One Plantation and Midtown and is 1.86. The parking is working comfortably in those developments. In addition, the office park to the north has agreed to allow the use of 100 parking spaces. This is in reserve and not counted as part of the parking requirements. An estimate of revenues to the City was provided as part of the backup material. Those revenues include an increase in jobs and taxes. The intent is to be in for building permit by the end of 2014. With regard to traffic, Mr. Laystrom advised of a commitment to build a traffic signal at 80th Terrace. A warrant approval has been granted from Broward County. He noted this site is zoned for office development. In comparing the traffic between office

development and residential, the residential will generated approximately 72 more trips than the office development during peak hours and would actually be similar to the office development if all times were reviewed together. Management will monitor the dog park area.

Mayor Bendekovic expressed concern with regard to the parking and the dog park location.

Mr. Auerbach reiterated One Plantation Place is completely leased and the top ramp has never been used. The parking count provides ample parking to allow the operation of the facility.

Mr. Leeds noted the dog park will be private and fenced. It was indicated that the office building will provide a cross parking agreement which has changed. It was noted the City does not enforce the private parking arrangements.

Mr. Jacobson advised there will be bag stations for dogs throughout the area. The size limit will be limited to approximately 60 pounds and a number limit. The average rent range is between \$1,300-\$1,500 and \$1,550 - \$1,700 and \$1,800 + for the 1, 2 and 3 bedrooms respectively. The owner will be a partnership with Stiles and another entity.

Councilmember Fadgen suggested a bridge over the canal to help alleviate west bound traffic and his approval for the traffic light at SW 80 Terrace.

Mr. Laystrom advised it is the intent to obtain the cross parking agreement with the owner of the office building. It was his belief this did not need to be part of the unified control documents since it was not part of the parking counts. After discussion, it was agreed that there will be a clause stating that the agreement cannot be terminated with the approval of the City. It was noted that there were 12 letters of support he provided as part of the record.

Councilmember Stoner opened the discussion to the general public. The following individuals spoke with regard to the project:

- Ann Ebbert in opposition to the project.
- Hunter Thomas in opposition to the project
- Whitney Peters in opposition to the project.
- Larry Ebbert in opposition to the project
- Rob Juskowitz in support of the project.

Mr. Butler commented the area has always been contentious with traffic concerns. Over the past few years we have tried to improve a safety issue from Publix. Staff comments express concern with regard to the traffic signal warrant analysis. There have been assurances that the traffic signal has been approved by Broward County. The traffic signal will reduce the burden on the roadway and will help manage the congestion. The traffic signal will not change the volume of traffic. Staff believes the traffic signal is necessary and should be a prerequisite for the project.

Mr. Leeds explained the Midtown plan proposed 4,000 residential units for the District. Currently, the development does not meet the proposed amount.

Motion by Councilmember Jacobs, seconded by Councilmember Zimmerman, to approve Item No. 23, site plan, elevation and landscape plan for Crossroads Residence, granting waivers 1-10, waiver 11 being eliminated, subject to staff comments. Motion carried on the following roll call vote:

Ayes: Jacobs, Levy, Zimmerman, Stoner
Nays: Fadgen

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Motion by Councilmember Jacobs, seconded by Councilmember Levy, to extend the meeting past 11:00 p.m. Motion carried by acclamation.

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QUASI-JUDICIAL ITEMS – None.

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COUNCILMEMBERS' COMMENTS

Councilmember Jacobs requested to discuss Councilmembers serving on the retirement boards. It was noted this will be placed on the April 9, 2014 agenda.

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Councilmember Levy noted the media reports on the attempted abduction at Central Park. He reiterated Central Park is safe and that there was a small news report reporting the incident as a hoax.

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Mayor Bendekovic commented Celebrate Plantation is on Friday night.

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Councilmember Stoner advised there have been break-ins at local land developer companies in the area. She noted the expense to replace the equipment. She urged residents to look for suspicious activity and report it to the local Police Departments.

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PUBLIC REQUESTS OF THE COUNCL CONCERNING MUNICIPAL AFFAIRS

Dennis Conklin commented with regard to medical marijuana, casinos and Federal memorials.

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SEALED COMPETITIVE SOLICITATIONS – None.

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WORKSHOP – None.

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Meeting adjourned at 11:45 p.m.

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Councilmember Lynn Stoner, President
City Council

ATTEST:

Susan Slattery
City Clerk

RECORD ENTRY:

I HEREBY CERTIFY that the Original of the foregoing signed Minutes was received by the Office of the City Clerk and entered into the Public Record this _____ day of _____, 2014.

Susan Slattery, City Clerk