

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

February 11, 2015

The meeting was called to order by Councilmember Lynn Stoner, 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
Asst. City Attorney:	Quentin Morgan

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2. The invocation was offered by Councilmember Jacobs.

The Pledge of Allegiance followed.

3. Approval of Minutes of Meeting – December 17, 2014

Minutes of the regular meeting of December 17, 2014 were approved.

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ITEMS SUBMITTED BY THE MAYOR

Mayor Bendekovic introduced Judi Elfont, Community Health Deputy Director, with the Florida Department of Health in Broward County.

Ms. Elfont presented the State Surgeon General Healthy Weight Community Champion Award 2015 to the City of Plantation. This award is presented in recognition of efforts to promote a community environment where the healthy choice is the easier choice.

Mayor Bendekovic advised that we also have our Wellness Center with Coaches. We had 100% spouse and 100% employee participation.

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

- The Western Soccer Cup begins Friday, February 13, 2015 and runs through Monday, February 16, 2015. This event is so large that we are utilizing Central Park, Pine Island Park, PAL Park and Sunset Park to host the 555 teams that will be converging in Plantation.
- The Men's \$10,000 Future Tournament will be held at the Frank Veltri Tennis Center on Friday, February 13, 2015 through Sunday, February 22, 2015.
- The Senior Invitational Swim Meet will be at the Plantation Aquatic Complex next weekend. Approximately 300 swimmers from the tri-county area will compete.
- Spring Class Registration begins on Tuesday, February 17, 2015. Spring classes will begin on Monday, March 2, 2015.

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Mayor Bendekovic made the following comments:

- City facilities will be closed on Monday, February 16, 2015 in observance of President's Day.
- Remembering World War II: 70 Years Later; a new exhibit commemorating the anniversary of the end of World War II at the Plantation Historical Museum and the Helen B. Hoffman Library. Grand Opening night is tomorrow, Thursday, February 12, 2015 between 6:30 p.m. and 8:30 p.m. The exhibit will run through June 30, 2015.
- The 32nd Annual Plantation Woman's Club Antique Show and Sale is at Volunteer Park on Friday, February 13, 2015 through Sunday, February 15, 2015. The hours will be on Friday between 12:00 p.m. and 5:00 p.m.; Saturday between 9:00 a.m. and 5:00 p.m. and Sunday between 10:00 a.m. and 4:00 p.m.
- Plantation High School is celebrating their 50th Anniversary on Saturday, February 21, 2015 between 10:00 a.m. and 3:00 p.m. There will be shows, food, games and entertainment for all ages; admission is \$5.
- The 38th Annual Countywide Waterway Clean-up is March 7, 2015 between 9:00 a.m. and 1:00 p.m. The Plantation site is on the southwest corner of Pop Travers Field. Students can earn community service time by participating. Volunteers can sign up ahead of time on www.waterwaycleanup.org or you can sign up on the date of the event at the site.
- The Plantation Farmer's Market is every Saturday at Volunteer Park between 8:00 a.m. and 2:00 p.m.

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CONSENT AGENDA

As a Commissioner of the CRA, Mayor Bendekovic has a voting privilege on Item No. 24.

Item Nos. 18 and 20 were pulled for discussion and voted on separately.

Mr. Morgan read the Consent Agenda by title.

4. Request to approve the Policy RENEWAL 2015/2016 with the Hartford Steam Boiler Insurance Company. (Budgeted – Risk Management)

5. Request to approve the purchase of one (1) vehicle (2015 Ford F150, Pick-up truck) from Plantation Ford in the amount of \$20,918.90. (Budgeted – Building)
6. Request to approve the purchase of one (1) 2015 Chevrolet Malibu 2LT in the amount of \$21,659. (Budgeted – PZED)
7. Request to approve the purchase of one (1) vehicle (2015 Ford F150 Super Crew Cab) in the amount of \$32,930.90. (Budgeted – Utilities)
8. Approve purchase of one 2015 Ford F-350 from Plantation Ford in the amount of \$27,678.25. (Budgeted – Utilities)
9. Approve purchase of two 2015 Ford F-350's from Plantation Ford in the amount of \$64,799.76. (Budgeted – Utilities)
10. Approve purchase of two 2015 Harley Davidson Motorcycles with accessories from Bruce Rossmeyer's in Daytona Beach in the amount of \$46,450. (Budgeted – Police)
11. Request to approve the purchase of two (2) Police vehicles; 2015 Ford Explorers, in the total amount of \$54,400.00. (Budgeted – PD)
12. Request to approve the purchase of seven (7) Administrative vehicles; Ford Taurus, for the total amount of \$147,717.22. (Budgeted – PD)
13. Request to approve the purchase of six (6) Administrative vehicles; Dodge Chargers, for the total amount of \$139,814. (Budgeted – PD)
14. Request to award bid to CES (Commercial Energy Specialists) to replace filters in Pool #1 in the amount of \$67,829.88. (Budgeted – Parks & Rec)
15. Request to approve a purchase order to Hazen and Sawyer, P.C. in the amount of \$30,500 for engineering services related to the renewal of the five-year deep well operating permit for the CWTP. (Budgeted – Utilities)
16. Request to approve the purchase of a 2015 Horton Model Medical Rescue Transport Unit in the amount of \$390,677. (Budgeted – FD)
17. Request to approve the purchase of a Lifepak-15 Cardiac Monitor in the amount of \$33,006.90. (Budgeted – FD)

Resolution No. 12013

19. **RESOLUTION** of the City Council of the City of Plantation, Florida, to apply for a FDOT Highway Safety Sub Grant in the area of Police Traffic Services.

Resolution No. 12014

21. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period January 15, 2015 through February 4, 2015 for the Plantation Gateway Development District.

Resolution No. 12015

22. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period January 15, 2015 through February 4, 2015 for the Plantation Midtown Development District.

Resolution No. 12016

23. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period January 15, 2015 through February 4, 2015.

Resolution No. 12017

24. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period January 15, 2015 through February 4, 2015 for the City of Plantation's Community Redevelopment Agency.

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

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

Mayor Bendekovic voted affirmatively on Item No. 24.

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Mr. Morgan read Item No. 18.

Resolution No. 12018

18. **RESOLUTION** of the City of Plantation approving that certain Second Amendment to Agreement between the City of Plantation, Florida and Community Redevelopment Associates of Florida, Inc. for the Community Redevelopment Block Grant Minor Home Repair Program; providing a savings clause; and providing an effective date therefore.

A memorandum dated January 8, 2015, to Mayor and Members of the City Council, from Donald J. Lunny, Jr., City Attorney, follows:

This item is sponsored by the Planning, Zoning and Economic Development Department.

Attached, please find a Resolution approving a Second Amendment to the City's Agreement with CRA Associates to administer the City's CDBG Minor Home Repair Program. The PZED Department is pleased with the performance of this Consultant.

From a legal standpoint, the Second Amendment effectively accomplishes two (2) items, to wit:

1. It obtains Council's approval of Staff's recommendation to raise the City's CDBG Minor Home Repair maximum subsidy from \$35,000 to \$50,000 (please see attached in this regard to Mr. Haggerty's memorandum); and,

2. It exercises the second one (1) year extension to the Agreement so that the consultant arrangement will terminate on July 31, 2016. Under the terms of the Agreement, the City has one, final option to extend again for an additional one (1) year term.

This matter is now ready for approval as a Consent Agenda item.

Should you have any questions or comments, please contact Mr. Leeds.

Dennis Conklin, resident, pulled this item for discussion. He mentioned that a while back when the City was going to receive Federal funds they had to explain in the application that they provided a drug free work place. In Agenda item #18, Plantation is putting out a bid for repairs to manage the CDBG and they are requiring a bidder to express the same quality, that the contractor would be providing a drug free work place. He encouraged Council to approve the position.

Motion by Councilmember Jacobs, seconded by Councilmember Fadgen, to approve Resolution No. 12018 as presented. Motion carried on the following roll call vote:

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

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Mr. Morgan read Item No. 20.

Resolution No. 12019

20. **RESOLUTION** approving agreement for Hot-in-Place asphalt resurfacing in Country Club Estates based on the itemized pricing in the "Schedule of Bid Prices" form between the City of Plantation and Cutler Repaving, Inc.; having the appropriate City Officials execute same and authorizing the City Administration or City Attorney to make minor revisions thereto; and providing an effective date therefor.

A memorandum dated February 11, 2015, to Mayor and Members of City Council, from Edward Consaul, Public Works Director, and Steve Rodgers, Assistant Public Works Director, follows:

HISTORY: Country Club Estates roadways have not been repaved for at least 20 years and needs to be done. Original paving has reached its life expectancy and is at its critical threshold, and this repaving is part of our asset management plan.

ANALYSIS: This work is maintenance and therefore not subject to the full procurement procedure, as part of the City of Plantation's Code of Ordinances, Chapter 2, Article IX, Sec. 2-226(a) and Florida State Statute 255.20 regarding local bids and contracts for public construction. This project will not be an upgrade to the original design specifications.

We are recommending Cutler Repaving, Inc. to perform the work. Cutler Repaving, Inc. completed the first project for the City of Plantation in 2003 with the resurfacing of NW 5th Street and the last project completed was in Park East in 2010. The total square yardage of Hot-In-Place Resurfacing in the City of Plantation to date is 698,712 square yards or 99.25 lane miles

of completed roadway resurfacing work. They are an FDOT certified contractor and were the only responders to the Margate invitation to bid, which was approved by Resolution in March 2014.

We will be using the pricing schedules that were submitted to Margate in Bid No. 2014-010 from Cutler Repaving, Inc. Using Cutler Repaving, Inc., will also save the City approximately \$80,000 in mobilization costs if approved in February with a commence date of February 16, 2014.

Cutler Repaving, Inc. has visited Country Club Estates in its entirety and is in agreement with the City of Plantation Public Works Department on total scope of the project. The paving process will be Hot-In-place Asphalt Repaving, which uses 75% existing material rejuvenated with 25% new material.

E.J. Generotti, resident, was present. He stated that they suffered many years under the current repaving project that existed in their neighborhood. There are numerous chips, scratches and dents that came up from the granulating of the surface and he wants to make sure that there is an engineering study and that the process that is being utilized is going to alleviate that.

Mr. Consaul advised that they have done all of that; this is a totally different process. They are going to mix up an inch and put an inch of new road on top.

Mr. Conklin thanked the City and Administration for getting around to this very important safety feature in Flex Zone 73, the neighborhood east of the Turnpike.

Priscilla Hawk, resident, was present. She thanked the City on behalf Country Club Estates Homeowners' Association and the whole community. She also expressed thanks for the new light poles. She mentioned residents in the area that are wheelchair bound and noted that there are very few open spaces to get onto the path around the Country Club. She questioned if some additional entranceways would be put in while doing the paving.

Councilmember Stoner thought it was a valid request and requested Mr. Consaul to look into that.

Mr. Consaul advised that we would have to do that ourselves; it will be done in-house.

Mayor Bendekovic explained that the lighting was funded through CDBG funds last year. This year the CDGB funds will be used for the multi-cultural park because it was burned down.

Motion by Councilmember Jacobs, seconded by Councilmember Fadgen, to approve Resolution No. 12019 as presented. Motion carried on the following roll call vote:

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

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ADMINISTRATIVE ITEMS

Mr. Morgan read Item No. 25.

25. DISCUSSION PERTAINING TO HEALTH INSURANCE RATE RENEWAL FOR UNITED HEALTH CARE, RATE RENEWAL WITH MARATHON HEALTH; AND PREMIUM RATE RENEWAL FOR COMPBENEFITS VISION AND DENTAL.

A memorandum dated February 11, 2015 to Mayor Diane Veltri Bendekovic and Members of Council, from Daniel Keefe, Interim Chief Administrative Officer and Margie Moale, Human Resources Director, follows:

The contract with United Health Care (UHC) is due for premium rate renewal on April 1, 2015. Willis, our insurance broker of record, has been in negotiations on our behalf to obtain the best possible premium renewal rate. Essentially, premium rate renewals are based on the claims experience over the last year combined with administrative costs and other underwriting elements. UHC has held the line this year for the Administrative Services Only (ASO) fees with zero increase in fees.

Current nationwide trends for health care costs continue to increase approximately 10% annually and pharmaceutical costs have significantly increased largely due to the influx of expensive compound drugs into the market place. Insurance companies are putting controls in place to address the rising pharmaceutical costs. Willis is working with staff to explore additional avenues as well. Marathon Health is also working with staff to assist with reducing prescription costs. Cost containment initiatives will be implemented as our options are considered.

Our current annual net premium funding is \$13,320,238 for our partially self-insurance health plan. After analyzing the health and pharmaceutical claims data, combined with the Employee Health & Wellness Care Center recommendations and related factors, it is projected and an annual adjusted Partially Self-Insurance net premium of \$13,826,421 be approved, a 3.8% increase (\$506,183).

We have had limited catastrophic claims in place this plan year which is expected to affect our stop loss renewal. As a result, we are conducting an RFP to ensure the best rate possible. While Willis has included the projected fixed cost for Stop Loss in the funding amount, the stop loss amount is subject to change based upon the proposals which will be presented to Council in March.

Essentially, the increased utilization in the last plan year by 100% of eligible employees and spouses at the Employee Health & Wellness Care Center has had a positive effect on UHC claim costs. The Employee Health & Wellness Care Center is in its fifth year of operation. Employee education via the Benefits Committee has successfully contained the standard industry health care cost trend. Over the last seven (7) years, we have done an effective job of containing health care costs. These efforts will continue in the future and the City of Plantation will continue to contain health insurance costs with proactive measures.

The attached chart reflects the bi-weekly employee premiums based upon this recommendation.

It is projected that continued employee and spouse wellness participation will result in cost containment and disease management while redirecting costs for the City and our employees.

WELLNESS INIATIVES

To increase awareness of prevention and healthy lifestyles, this plan year's incentives will be based on "3 Steps to Wellness", one (1) subsequent Health Coaching Visit at the Employee Health & Wellness Care Center, and participation in two (2) Wellness events. Employees and/or spouses can monitor their health proactively. Aggregate data continues to guide our wellness initiatives, drives disease management success, both which affect our overall insurance costs. The ultimate goal is healthier employees. Completing the "3 Steps to Wellness", making lifestyle changes to mitigate any health risks, and adopting health habits such as exercise and eating right will ensure that we meet that goal.

MARATHON-HEALTH RENEWAL RATE

Marathon Health has held contractual fee increases to a minimum since the opening of the Care Center. Marathon has a contractual increase of 2%, or \$1,253.92 monthly for the contractual increase for Plantation. Our monthly fee will be \$63,947.17

In the first nine (9) months of this Plan year, we avoided actual costs of \$346,248 on redirected care, retail pharmacy costs, and preventive impact due to the care our covered members received at the Care Center. Our net cost avoidance for this same period is \$639,144 with three (3) months left. The two evening hours on Tuesdays and Thursdays continue to be very successful. As we complete our fifty year with our Employee Health & Wellness Care Center, its' success continues to increase.

RECOMMENDATION

In consideration of all the facts surrounding our renewal rate premium, it is the recommendation by Willis and City staff to approve the Marathon renewal at \$767,366 annually, and to continue with the Partially Self-Insured Health Insurance Plans for a projected net premium of \$13,826,421.

Stop-Loss Insurance coverage is recommended to protect the City from claims in excess of \$235,000 of which the projected premium is included in the projected net premium. For budget purposes, the above includes premiums for United Health Care ASO fees, projected Stop Loss increase and Marathon's fee for Plan Year 4/01/15 – 3/31/16. Comp Benefits Vision premium remains at \$87,717; the Dental premium remains at \$977,451. Once the Plan Year renewal is approved by Council, we will begin Open Enrollment in March with changes effective 4/01/15.

Ms. Moale advised that there is a 3.8% increase in the health insurance and national trend is running anywhere from 10% to 12%. Last year we had a 0% increase. The reasons for the increase are because Stop Loss and pharmaceutical costs are up. Avenues are being explored with United Health Care, Willis and Marathon in an attempt to find ways to put limitations and safeguards in place to cut the cost of the pharmaceutical. There are a lot of different things that can be done and we are actively looking into it to keep the costs down. In addition, Marathon gave us a 2% increase; this is the second time they have raised their fee in five years. We are still running in the black with the Care Center for the first nine months of the plan year by \$639,143 which over and above the fees we pay for them. In total for the five years the Care Center has been open we are total cost avoided of \$1.03 million.

Ms. Moale introduced Dennis Delaney and Jason McCarthy from Willis.

Councilmember Fadgen mentioned the cap in the pharmaceutical companies and questioned if the companies are finding that the market is too wide open and they really can get below.

Ms. Moale indicated that is why we are still exploring; there are many other things that can be done. If you wish to choose an expensive drug versus the inexpensive then you, as an employee, may have to pay more for the copay for that drug.

Councilmember Fadgen questioned if a compound drug is more expensive than individual drugs.

Mr. Delaney stated that they are not generic. Instead of taking two generic drugs that are taken separately they mix them together and it is a brand new drug.

Councilmember Fadgen questioned if the doctors could prescribe the individual separate drugs instead of the compound drugs.

Ms. Moale advised that is called marketing by the pharmaceutical companies; it is out of our control.

Councilmember Jacobs commented that in his experience generic drugs are not identical to a brand drug. They have to have a similar clinical result but they are not the identical chemical in every case.

Councilmember Levy indicated that Ms. Moale always asks questions and is on top of it. The average costs in Broward have gone up 12% this year. If we are only getting 3.5% that is due to Ms. Moale and her staff because she watches every penny as though it is her own and we appreciate that very much.

Motion by Councilmember Jacobs, seconded by Councilmember Levy, to approve Item No. 25. Motion carried on the following roll call vote:

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

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LEGISLATIVE ITEMS

Mr. Morgan read Item No.'s 26 and 27.

NOTE: Item No.'s 26 and 27 were heard in tandem.

26. REQUEST TO DEFER UNTIL FEBRUARY 25, 2015.
PUBLIC HEARING AND FIRST READING OF AN ORDINANCE OF THE CITY OF PLANTATION, FLORIDA, PERTAINING TO THE SUBJECT OF COMPREHENSIVE PLANNING; AMENDING SECTION 19-67 REGARDING CERTAIN TYPES OF COMPREHENSIVE PLAN FLEXIBILITY; AMENDING THE CODE PROVISIONS REGARDING CONSOLIDATION OF FLEXIBILITY ZONE 74 INTO FLEXIBILITY ZONE 75; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFOR.
27. REQUEST TO DEFER UNTIL FEBRUARY 25, 2015.
PUBLIC HEARING AND FIRST READING OF AN ORDINANCE PERTAINING TO THE SUBJECT OF COMPREHENSIVE PLANNING; AMENDING THE CITY OF PLANTATION COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE ELEMENT AND THE NEIGHBORHOOD DESIGN ELEMENT REGARDING CONSOLIDATION OF FLEXIBILITY ZONE 74 INTO FLEXIBILITY ZONE 75; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

A memorandum dated February 11, 2015, to Mayor and City Council Members, from Planning, Zoning & Economic Development, follows:

Staff is requesting a second deferral of the above referenced items to February 25, 2015 City Council meeting.

In the process of reviewing the Comp Plan and City Code Ch. 19 amendments, staff and the City Attorney identified additional language requiring revision or clarification to be consistent with the consolidation of Flex Zones 74 and 75. Staff will focus first on the Comp Plan revisions as State review is required and Broward County review may be required.

Motion by Councilmember Jacobs, seconded by Councilmember Levy, to Defer Item No.'s. 26 and 27 until February 25, 2015. Motion carried on the following roll call vote:

Ayes: Fadgen, Levy, Jacobs, Zimmerman, Stoner

Nays: None

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Mr. Morgan read Item No. 28.

- 28. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE OF THE CITY OF PLANTATION, FLORIDA, AMENDING THE POLICE OFFICERS' RETIREMENT FUND BASED ON THE NEGOTIATED COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND THE FOP, LODGE 42; AMENDING SECTION 18-61 PROVIDING FOR EMPLOYEE CONTRIBUTIONS FOR POLICE OFFICERS; AMENDING 18-63 PROVIDING FOR MODIFICATIONS TO THE MONTHLY SUPPLEMENT; AMENDING 18-69 PROVIDING FOR MODIFICATION TO THE COST OF LIVING ADJUSTMENT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

A memorandum dated February 11, 2015, to Mayor Diane Veltri Bendekovic and Members of Council, from Margie Moale, Human Resources Director.

Attached is the revised Police Pension Ordinance approved by the Board of Trustees at their last meeting. This revision has minor corrections to the October ordinance adopted by Council and conforms to the Collective Bargaining Agreement with the Fraternal Order of Police. Police Pension Attorney, Stu Kaufman, will be present at the Council meeting to answer any questions you may have.

Motion by Councilmember Jacobs, seconded by Councilmember Zimmerman, to approve Item No. 28. Motion carried on the following roll call vote:

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

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QUASI-JUDICIAL CONSENT AGENDA – None.

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QUASI-JUDICIAL ITEMS

Mr. Morgan read Item No. 29 along with the waiver requests.

- 29. DEFERRED REQUEST TO APPROVE A SITE PLAN, ELEVATIONS, AND LANDSCAPE PLAN FOR TWO (2) COMMERCIAL BUILDINGS (PP13-0032) LOCATED ON THE EAST SIDE OF STATE ROAD 7 APPROXIMATELY 175 FEET SOUTH OF SW 6TH STREET.

A Staff Report dated February 11, 2015, to the City Council, from the Planning, Zoning and Economic Development Department, follows:

REQUEST: Consideration of a site plan, elevations, and landscape plan for two commercial buildings.

WAIVER REQUESTS:

1. From: Section 13-41(a)(b)(c), which requires landscape pedestrian zones to 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.
To: General Retail Building A (8,320 sq.ft.);
10’ required along the eastern façade – 0’ provided.
10’ required along the western façade – 0’ provided.
General Auto Parts Sale Building B (7,200 sq.ft.);
2. From: One tree shall be installed in this zone for each 30 lineal feet, or fraction thereof, of façade width.
To: General Retail Building (8,320 sq.ft.);
Four trees required along the western lpz – three provided.
Four trees required along the eastern façade – three provided.
To: General Auto Parts Sale Building B (7,200 sq.ft.);
Four trees required along the western lpz – three provided.
Four trees required along the eastern façade – zero provided.

EXHIBITS TO BE INCLUDED: Planning and Zoning Division report; subject site map; site plan application; Planning and Zoning Board Meeting minutes of June 3, 2014, Landscape Planning Review Board Meeting minutes of April 1, 2014; and Review Committee Meeting minutes of January 28, 2014 and October 22, 2013.

PLANNING AND ZONING BOARD RECOMMENDATION: **APPROVED** subject to staff comments. (5/0; June 3, 2014)

LANDSCAPE PLANNING REVIEW BOARD: **APPROVED** subject to staff comments. (5/0; April 1, 2014)

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

REVIEW COMMITTEE RECOMMENDATION: Reschedule for consideration at a future meeting. (October 22, 2013)

ANALYSIS:

The subject site is approximately 1.93 acres in area, zoned SPI-2 (Hybrid Commercial), and currently developed with a one-story, 12,125-square-foot commercial building. The site is bound by office uses to the north, motel use to the south, single family residential uses in the City of Fort Lauderdale to the east, and commercial uses across State Road 7 to the west.

The applicant proposed to demolish the existing structure and construct two buildings encompassing 8,320 square feet (Building A) and 7,200 square feet (Building B), respectively. The proposed use for Building A is general retail (possibly Family Dollar) and the proposed use for Building B is retail auto part sales (possibly O’Reilly Auto Parts). Separate ownership of the two parcels is being considered and will be subject to a unified control document.

The proposed building architecture meets the Plantation Tropical design guidelines with beige tone wall finishes, terra-cotta colored brick veneer, and dark green metal seam roofing material and awnings.

Fifty-two (52) parking spaces are required for the retail use and 54 parking spaces are provided.

Due to concerns over the building designs, City Council tabled the site plan consideration at their July 23, 2014 meeting. The applicant subsequently revised the building designs and met with the Council on December 17, 2014. At that meeting, the Council supported the new design with a recommendation that the brick be extended along the entire length of the columns on both buildings. The applicant has now submitted the site plan for formal consideration by the City Council.

STAFF COMMENTS:
PLANNING AND ZONING:

Planning:

1. The proposed use is consistent with the Local Activity Center land use designation on the adopted Future Land Use Map.

Zoning:

In General:

1. The proposed site plan separates the lot into two parcels. Neither property meets the standards for stand-alone development. Each parcel must stand alone and meet all acceptable code requirements for the district unless a unified control document is executed to review the parcel as a whole. The document is currently being reviewed by the City Attorney. If approved, the unified control document must be approved as to form by the City Attorney and recorded prior to issuance of a building permit.
2. The applicant has not requested phasing of the project therefore it is assumed both parcels will be developed at the same time. If the applicant does not permit and construct both buildings at the same time, the applicant shall complete site plan improvements (parking, landscape, utilities, etc.) for both building sites prior to issuance of a Certificate of Occupancy for the first building to be constructed. If the applicant chooses to phase the project at a later date, the applicant will be required to submit a phasing plan for review and approval prior to issuance of a development permit for either site.
3. Note:
 - a. Retail sales of used auto parts are prohibited.
 - b. No repair, maintenance or servicing of any kind of any motor vehicle, whether such activity is considered to be minor or otherwise, is permitted unless wholly confined within a building or structure designed for such activities.

Elevations:

4. Indicate the color of the spandrel glass on the front elevations as light grey on the Key Notes.
5. Rooftop equipment shall be screened from view by a parapet, masonry wall or other architectural feature of the building. Such enclosure shall be as high as or higher than the highest portion of the equipment or apparatus being screened. Based on the current submittal, the building parapet provides insufficient height to screen the rooftop equipment. Revise the parapet height or reduce the roof or equipment height. Revise all elevations for both buildings accordingly.

Lighting:

6. Indicate the size of the small and large gooseneck fixture detail on the Key Notes.
7. The light fixtures shown on the building elevations are inconsistent with the fixture locations shown on the lighting plan. Provide three light fixtures on the south side of Building B and three fixtures on the

north side of Building A. A minimum of one foot candle is required for all vehicular access areas. A pole fixture may be needed between the buildings.

8. Note: Building up-lighting designed to flood the building elevations in light are not permitted by the sign code.

Details:

9. Bollards are shown on the site plan. Staff recommends the bollard type in the front of the building be a pedestrian friendly pedestal, possibly with a light fixture.

Signage:

10. Signage is not part of this review.
11. Revise Sheet C1 to delete proposed ground sign.

TRAFFIC CONSULTANT: No objections.

ENGINEERING DEPARTMENT:

1. The truck wash and construction fence (if used) must be a minimum of 25 feet back from the edge of pavement of SR 7. *01-15-14: The truck wash is not 25 feet from the edge of pavement, please revise. 03-19-14: Comment not addressed. Please address the comment as requested or call Engineering to discuss. 05-08-14: The response states that the "contractor" may put in a fence. The truck wash will need to be a minimum of 25 feet from the edge of the pavement, contained within the property lines. Please revise both sheets. 07-09-14: Sheet ES1A shows the truck wash in the FDOT ROW. Please relocate it to within the property line. 01-26-15: The comment was not addressed and the included responses were from the 05-08-14 comments.*
2. Please show the ADA ramp in line with the crosswalk, not at an angle. *01-15-14: The ramp at SR 7 is still at an angle, please revise. 03-19-14: This is located in FDOT ROW. Please provide FDOT approval of the ramp/crosswalk design. 05-08-14: Waiting for a copy of the approved FDOT permit. 07-09-14: Applicant provided the FDOT permit number. A copy of the FDOT permit will be required for City permit approval. 01-26-15: Comment remains.*
3. Please provide FDOT approval for proposed site plan. *01-15-14: Please provide specific approval from FDOT for the proposed striping on SR 7 as well as the driveway permit. The bike lane, as requested by FDOT, is not shown on the plan. 03-19-14: Please provide with the City Council submission. 05-08-14: Waiting for a copy of the approved FDOT permit. 07-09-14: Applicant provided the FDOT permit number. A copy of the FDOT permit will be required for City permit approval. 01-26-15: Comment remains.*

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 Broward County and/or SFWMD may be required and a copy(s) provided to the Engineering Department at the time of permit review.

5. The applicant will be required to execute a developer agreement and post security for all engineering and landscape related improvements at the time of permitting.

DESIGN, LANDSCAPE & CONSTRUCTION MANAGEMENT:

- All site plan and planting plan comments from the Department of Design, Landscape and Construction Management must be responded to in writing at time of permitting. When responding to staff comments, please bubble plan changes and specify the page number corrected in the written responses.
- The applicant will be required to execute a developer agreement and post security for all engineering and landscape related improvements at time of permitting.
- At time of permitting the irrigation plans along State Road 7 must be submitted to Public Works for verification of work to be done in the City easement.
- Tree/palm removal and relocation permits as well as mitigation fees must be obtained directly through the Design, Landscape & Construction Management Department at the time of permitting. Please contact Diana at 954-797-2248 directly to obtain required permits.

Site Plan:

1. Code requires landscape pedestrian zones (lpz) to extend the full width of each façade abutting a parking or vehicular use area; the minimum width shall be half the height of the proposed or 10' (paved areas in the lpz may not constitute more than 5' of the required lpz):
General Retail Building A (8,320 sq. ft.):
10' required along the eastern façade – 0' provided.
10' required along the western façade – 0' provided.
General Auto Parts Sale Building B (7,200 sq. ft.):
10' required along the western façade – 0' provided.
10' required along the eastern façade – 0' provided.
Staff has no objections to this waiver request.
2. Fire hydrants or associated equipment shall not be placed in planting islands where trees are required by code.

Planting Plan:

1. Staff has a concern with regards to the number of mature healthy trees to be removed from this site – very little effort was made to preserve the existing tree canopy.
2. Staff has a concern with the proposed planting of Mahogany trees along the eastern perimeter in a 5' planting space. Mahogany trees should have a planting space of 10' or greater.
3. Sides of structures not oriented to residential or public view must provide a foundation planting including low, mid, and upper level landscaping. *If this condition is not met waivers are required.*
4. All proposed trees to be removed or relocated require ISA appraisals based on the FL Chapter of the ISA Rule Chapter 14-40.030 of the FL Administrative Code. All proposed trees and palms to be removed must be mitigated or as per City codes; tree mitigation will be above and beyond code required trees on the property. City staff will verify all trees and palms proposed “to be removed or relocated”. *Staff is working with the applicant on this matter.*
5. Performance bonds are required on all trees to be relocated as per City codes. *This will be required at time of permitting.*
6. A minimum of one tree is required every 30 lineal foot, or fraction thereof, of façade width (three palms = one tree): (Code required trees in planting islands do not count towards required trees throughout the landscape pedestrian zones.)

7. 8,320ft2 Building
a. Four trees required along the eastern lpz – three trees have been provided.
b. Four trees required along the western lpz – three trees have been provided.

7,200ft2 Building

- c. Four trees required along the eastern lpz – 0 trees have been provided.
d. Four trees required along the western lpz – three trees have been provided.

Staff has no objections to this waiver request; if waivers are granted, staff requests mitigation for code required trees that have been granted waivers for.

BUILDING DEPARTMENT: No objection.

FIRE DEPARTMENT: No objections as to this conditional use and site/elevation/landscape plans with the understanding that the applicant and/or owner are aware that conditions may arise upon review of all required permitting plans.

POLICE DEPARTMENT: No further comments.

UTILITIES: No objection.

1. Not supplied by Plantation Utilities. Contact Broward County for any Utility requirements.

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

WASTE MANAGEMENT: No comments.

Steve Page, architect, was present.

Mr. Page advised that they have addressed all of the comments.

Councilmember Stoner mentioned that Councilmember Zimmerman has some serious concerns about the elevations.

Mr. Page stated that they have changed the elevations several times and the last time the comment was to raise the bricks on the columns, which they have done.

Councilmember Zimmerman indicated that he is not pleased with the design at all. We had a lengthy discussion at the last meeting and he believes the fellow Council has agreed with it. He is going to vote no on this because he does not feel our community needs two square boxes on a site; that is his personal opinion.

Mr. Leeds explained that the original building, one of two, was supposed to be a Dollar Store. That has changed and the first building is going to be O'Reillys, which is an auto parts store. We do not know what the second store is going to be and we do not know when it is going to be built. The other issue is that they really need unified control in both sites because neither site has a sufficient parking aisle to reach the back of the two buildings.

Councilmember Stoner questioned if they are two separate lots.

Mr. Leeds advised that there has to be a unity of title so they cannot be split up. The second thing is that we do not have an enforceable phasing plan. We are going to request the applicant to construct all of the paving, drainage and landscaping for the site where the second building is going to go. We do not want that site sitting vacant indefinitely. The other option is for the applicant to come in with a phasing plan and show us how he is going to provide a minimum required driveway to the rear of the site. Between both buildings and the driveway to get to 25 feet, it has to include both sites. The other option is that the driveway is built up to the edge of the second site. This way he does not have to rebuild or get involved in reinstalling landscaping and underground. We need to have some plan showing how he is going to do that and how that site will be left. We do not want a pile of dirt and we need some agreement that if the trees are removed and it has to be sodded that there has to be some trees because we do not know when the second building is coming. He mentioned the Fountains and noted that in the past, building permits for the restaurants along the main street directly off of University Drive heading west were not issued until Dick's Sporting Goods was well under construction. Phase 2 was tied to construction or CO of Phase 1. He is making this statement so the applicant understands that there is more work to be done before the permit is issued.

In response to Councilmember Stoner, Mr. Page indicated that the client has agreed to develop the whole site and leave the pad for the second building. They are actively looking for a tenant. Currently it will be called a spec building. They will do a phasing plan any way that works for Zoning; they are willing to do whatever it takes to get this approved.

Mr. Leeds advised that they would like to have the entire site developed as a condition of CO for O'Reillys in the event that it takes them some time to get a tenant for the second pad.

Councilmember Zimmerman agreed and believes that the site should be fully developed so at least there is a green landscaped site so it looks clean and completed. Putting foundations in is part of the phasing cost of the job.

Mr. Page stated that will also help with the leasing.

Councilmember Jacobs stated that unified control needs to be included because the parking has to be addressed. There is no issue with the minor waivers.

Mr. Leeds indicated that developing the entire site is already in the comments; he wanted to make the applicant aware of that so there is no surprise at Building permit time. He has agreed so he believes that motion to approve is sufficient.

Councilmember Fadgen values Councilmember Zimmerman's comments. He questioned if there is anything that can be done to the structure itself.

Mr. Page advised that they would really have to look to articulate the building. Council gave direction at the last meeting to go forward.

Councilmember Levy commented that Plantation has certain standards and questioned if they intend to create something comparable or better than our standards.

Mr. Page replied affirmatively. They had the brick down low and the comment was that the hedges would cover it so it was raised so it could be seen. It is a box but they tried to give it some animation.

Motion by Councilmember Jacobs, seconded by Councilmember Levy, to approve Item No. 29. Motion carried on the following roll call vote:

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

* * * * *

Mr. Morgan read Item No. 30.

30. REQUEST TO APPROVE SITE PLAN MODIFICATION TO REVISE THE EXTERIOR ELEVATIONS, FLOOR PLANS, AND LANDSCAPE PLANS FOR THE COVE AT LAGO MAR (PM14-0048) LOCATED ON THE SOUTH SIDE OF BROWARD BOULEVARD APPROXIMATELY 1/3 OF A MILE WEST OF FLAMINGO ROAD.

REQUEST: Site Plan Modification approval to revise the exterior elevations, floor plans, and landscape plans for The Cove at Lago Mar.

EXHIBITS TO BE INCLUDED: Planning and Zoning Division report, subject site map, and application.

ANALYSIS:

On April 9, 2014, City Council approved a rezoning, flex unit assignment, conditional use, and site plan for Centerline Homes to construct 62 fee-simple townhouses known as The Cove at Lago Mar.

Shortly after site plan approval, Standard Pacific of Florida acquired the site. Standard Pacific requests approval to modify the architectural design of the buildings and proposes:

- A larger building footprint (the outline of the surface area occupied by the building) within the same building envelope (a rectangular area encompassing the building based on the buildings overall length and width);
- Revised exterior elevations for the townhomes, cabana, and entry features;
- Revised floor plans for the townhouse units;
- Three dwelling unit types (in lieu of the previous approval that had two); and
- Modified landscape plans (to address the change in building footprint).

The character of the buildings fronting the proposed interior street has generally been maintained. However, the building mass and elevations at the rear of the structure have changed significantly, triggering City Council review of the revised plan.

The previously approved townhouse buildings (rear elevation) included a ground floor screened patio under structural roof extending 7 to 8 feet from the rear wall of the townhome. Waivers measured to the single story screened patios to reduce rear setbacks were granted for the east and west property lines abutting adjacent single family homes.

All of the three proposed unit types have a larger two story building footprint than previously approved. The setback waivers granted by the previously approved site plan have been maintained. However, the setback is

now measured to a two story structure that includes enclosed living space together with first and second floor open roofed patios in lieu of the single story screened patios of the original approval.

STAFF COMMENTS:

PLANNING AND ZONING:

1. Approval at the discretion of the City Council. If the Council chooses to approve the revised plan, said approval shall include all department comments and conditions.
2. The submittal was incomplete with regards to the request for approval of a sales trailer and therefore, the sales trailer has not been included as part of this review. Please submit a site plan, elevations, and landscape plan for the sales trailer as soon as possible to be scheduled for the Plan Adjustment Committee (as long as no waivers are required).
3. If approved, the terms and conditions of the original approvals in PP13-0020 shall remain in full force and effect.
4. A trust account must be established for City Attorney review and approval of the HOA documents.
5. The HOA documents must provide for uniform material requirements should residents elect to screen enclose the open patios.
6. Signage is not part of this review.

ENGINEERING:

Access from Broward Boulevard to the existing residential development adjacent to and west of the proposed development must be maintained at all times. Only after the proposed new separate access to the existing residential development has been constructed, permit(s) finalized, and authorized by the City to be placed into operation, may the existing access connection servicing the existing residential development be removed.

1. *03-20-14: Please change the pedestrian sign to a W11-2, not W11A-2, this is not a school crossing. 02-02-14: Comment not addressed. Please revise as requested.*
2. *11-22-13: Please label all proposed curb radii on Sheet 2 of 4 of the Site plan. 03-20-14: Please include the radii at the access points to both developments. 02-02-15: Comment not addressed. Please revise as requested.*
3. *03-20-14: Please provide control radius information for both access points. 02-02-15: Comment not addressed. Please revise as requested.*
4. *03-20-14: Please provide more details for the revised gated entrance for the existing single family homes. 02-02-15: Comment not addressed. As shown, a vehicle entering one of the lanes will be parked on the curb. Please provide dimensions and show that vehicles will have the room to enter.*
5. *03-20-14: Sheet C1. Please dimension the proposed new access drive for the existing residences. 02-02-15: Comment not addressed. Please revise as requested.*
6. *03-20-14: All easements and ROW will need to be vacated prior to the first CO. 02-02-15: Comment remains.*
7. **02-02-15: Sheet C3 states these are “preliminary plans subject to revision”. If they are substantially revised they may have to be re-reviewed at this level.**
8. **02-02-15: The trailer is not being reviewed at this time.**

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. The following will apply at time of permit review:

1. An erosion and sedimentation control plan will be required.
2. A Maintenance of Traffic (MOT) plan will be required. Please meet with Engineering to discuss.
3. Drainage calculations signed and sealed by a professional engineer registered in the State of Florida complying with Chapter 9 of the City Code will be required.
4. Provide a copy of the surface water management permit(s) through the Broward County Environmental Protection Department (EPD) and/or SFWMD.
5. An executed Developer Agreement and form of security for all engineering and landscape related improvements will be required.

TRAFFIC CONSULTANT: No objections.

DESIGN, LANDSCAPE & CONSTRUCTION MANAGEMENT:

- At this time staff does not support the request for a temporary sales trailer as the landscape plans have not been included with this submittal. In order to do a full review on this request the following must be submitted:
 1. An existing tree survey showing the impact the proposed location of the sales trailer will have on the existing trees.
 2. Landscape plans for the proposed sales trailer as per City codes.
 3. A disposition plan for the trees once the temporary sales trailer has been removed.
- Staff has no objections to the request for Site Plan Modification approval to revise the exterior elevations, floor plans, landscape plans. While numerous changes have been made to the landscape plan with regard to species, planting locations, and quantities, it appears the proposed landscape modifications follow the City landscape codes with regard to code required trees and specifications.

At time of permitting please address the following:

1. Utilities shall not be placed in the planting islands required by code; this includes sewer and water lines to the units.
2. Two separate sets of landscape plans have been submitted for this review (one set via e-mail to our department and one set with the City Council submittal); there are several inconsistencies between the submittals (i.e. GO is on the plant list for one set and not on the other set). Please submit the correct set at time of permitting.
3. Please show on the plans what is replacing the trees that were approved to remain that were removed without permits (trees #58-62, trees #70-78 and tree #122).
4. Please clarify if tree #42 and #26 are to be removed or relocated; the disposition of these trees are shown to be removed on the tree survey while these trees are shown to be relocated on the planting plan. Please make sure all inconsistencies are corrected prior to Building submittal.
5. Please space the trees appropriately throughout the site. (i.e. On sheet L-5 you are proposing the planting of a Crape myrtle tree within 7' of a Mahogany; the planting of a Live oak tree within 10' of a Calophyllum tree; the planting of a Crape myrtle tree with 6' of a relocated Live oak with a spread of 24'; etc.)

BUILDING DEPARTMENT: No objection.

FIRE DEPARTMENT: No objections as to this site plan modification request with the understanding that the applicant and/or owner are aware that additional conditions may arise upon review of all required permitting plans.

Attorney Bill Laystrom was present on behalf of the applicant. This is a minor site plan revision; minor changes were made to the elevation. Minor changes were made to the footprint of the building; they basically changed the facades a little for each of the buildings. They have spoken to neighbors on the west and they have requested that there be no balcony features on Buildings 9 through 14, which they have agreed not to add due to their concerns regarding vision and noise.

Councilmember Stoner mentioned the Linare project and noted that there is a giant electrical box in the outside of their front door. It is an eyesore and offensive.

Michael DeBach (sic), with Standard Pacific Homes, was present. He stated that they have not finalized all of the plans with FP&L but generally they would require that the meter be accessible.

Councilmember Stoner questioned how much these are going to sell for.

Mr. DeBach indicated that Centerline did the project next door and their final units sold for \$330,000 so they will probably be in the \$300,000 range.

Councilmember Stoner commented that you work hard and get to look at the meter as you walk in the front door; the whole cycle is in sane. This is a big deal to her. Aesthetics also affect resale and continuing value. She requested that they figure out a better way to hide it.

Mr. Laystrom stated they would look into it.

Councilmember Levy questioned the Homeowner's Association President to give his thoughts as well as the residents' thoughts.

Greg Wagner, resident and Homeowner's Association President of Lago Estate South, was present. He worked directly with Centerline Homes and Standard Pacific. He has been the key between the residents and the developer. With regard to these changes, the balconies, windows and some minor encroachment affect his home the most and he is all right with that. There was a major concern with the balconies and porches on the second floor that face all of the homes to the west. He thought the best way to compromise would be to do away with the porches and the balconies. It still might be a concern with some of the windows because some of the window space increased; however, Standard Pacific Homes has been very kind to take away the porches and balconies. He and six residents that are directly in the center of all of this are all right with the increased window space and they believe that the foliage in the trees in addition to what was initially proposed and what is going to be added will be sufficient to cover the windows. He noted that there is another homeowner who lives directly against I-595 to the extreme south that was not contacted. All six homes in the middle approve of this concept and design.

Mayor Bendekovic commented that Mr. Wagner also worked very diligently with us on the landscaping when I-595 was being built.

Mr. Wagner indicated that maybe in the future we can revisit that. We worked hard and are very happy with what we have. Since he has been working with the Senate and Congress he wrote a Bill; it is public law; 113-105; the American Fighter Aces Congressional Gold Medal, and he pushed it through Congress. It was signed in the White House last May and it will be a celebration of all American Fighter Aces in Washington D.C. in the Capital on May 19, 2015. There are 81 Fighter Aces left in America.

Congratulations were offered.

Councilmember Zimmerman liked the improvements and believes it lends a lot to the architecture of the building. He commended them for working with the homeowners. Since the balconies are going to be removed he questioned if the square footage on the second floor is being decreased or if a lower roof will be put over those areas. He thinks the architecture says lower roof.

Mr. DeBach advised that the second story balcony will be removed; the building footprint on the second floor will be smaller and will be replaced by a window.

Councilmember Zimmerman mentioned that a lower roof will go over the porch and that will make it look really nice.

Mr. DeBach agreed.

Councilmember Zimmerman noticed that the architectural plans were the only ones not signed and sealed in a set and we have an architect designer out of Atlanta. He questioned if there is a Florida registered architect as part of the architectural package. That was the only thing not signed and sealed and there was no license number.

Mr. DeBach stated that there is; he is out of Orlando. He has two offices; one out of State and one in State.

Georgina Torsagasi (sic), resident of Lago Estate South and a member of the Homeowner's Association. While it is wonderful that the balconies have been removed the original plans showed windows in the amount of six across the back top for the development. It has now increased almost to double, which is 11. Being that this project is only 75 feet from her back fence those 11 windows are going to be peering down into her property at all times. She understands the need to increase their revenue but she does not want it to be at the expense of decreasing her property value because now she has all this exposure she did not have before.

Councilmember Stoner questioned if the sliders are being replaced.

Councilmember Levy commented that the porches are being replaced. He questioned if Ms. Torsagasi agreed to the landscaping as a way of buffering that vision so that they can't just peer in.

Ms. Torsagasi noted that there was sufficient foliage for six windows. Even if they increase some foliage they are going to 11 windows, almost double. That is significant. Not only are they going to more windows, she believes the size of the windows is also increasing. That directly impacts her tremendously. Also, as far as the community being in agreement, as being on the Board that she is not aware that it was put to any kind of vote or that there was any kind of meeting. She should have been aware of this since she is the secretary.

Councilmember Stoner questioned if Ms. Torsagasi is saying that the other gentleman misrepresented the Homeowner's Association.

Ms. Torsagasi advised that she and Mr. Wagner did speak but she is not privy to any conversation he may have had with all of these other homeowners.

Councilmember Stoner clarified that there was no official board meeting authorizing him to come here and represent that.

Ms. Torsagasi replied not regarding this portion of the matter.

Alex Rezomalich (sic), resident, was present. The gentleman from Pacific Homes said that it is minor changes in elevation. The windows have increased in surface on both the first and second floor. His house is the closest to the new development; from his son's bedroom he can see the floor of the property. With two feet of elevation they can see everything going on, which means they can easily see his house. He understands that a lot of effort has been made; however, they had a burglary two weeks ago because all of the trees were removed and there is a passage. He has three children and wants them to be safe. He wants the development to be completed as soon as possible but they are using tactics that they hooked us up and now they are adding. He stated that he was not consulted and his house should not have been counted as one that was consulted.

In response to Councilmember Stoner, Mr. Rezomalich advised that he always knew this was going to be two stories.

Councilmember Stoner commented that they always knew the second story was overlooking those properties.

Mr. Rezomalich indicated he knew but not with so many windows. If you look at the differences between now and then you would realize that someone can look at his pool all day. The windows they had were accessory windows; none of them were bigger than 2 x 2 or 2 x 3 and now they have 6 x 5 windows. They are also requesting another variance to get closer to the wall. He does not want to see that.

Councilmember Stoner questioned Mr. Leeds as to the setback of their subdivision from the property line. It looks like a little bit of a curve and the ones in the middle are not as close to the property line as the ones on the end.

Mr. Leeds advised that the ones in the cul-de-sac are closer but there are five homes that have a large green area separating them from this project.

Councilmember Stoner questioned what the setback is supposed to be for the two on the ends that are so close.

Mr. Leeds did not know. It would have to be at least 50 feet but it may be as little as 25 feet.

Councilmember Stoner questioned the setback on the applicant's property line.

Julian Bryan, Planning Consultant, was present. He stated that the home would have a side elevation adjacent to buildings #9 and #10, which are 75 feet from the property line. Those two buildings did not get any closer as a result of these revisions. The last home referenced earlier is adjacent to the proposed lake. The third home is the first one on the left as you come into the community and the closest point of building #13 to the southeast corner of their property is 61 feet and if it is the side or rear yard it would probably be 15 more feet so it would probably be 78 feet.

Chuck Enedie (sic), landscape architect, was present. He stated that they originally had and still have 20 to 22-foot Fishtail palms; Sabal palms that are 16 to 35-foot of clear trunk and shade trees between that buffering and the buildings. There is almost a double layer of buffering through the area. An additional ten shade trees were added to get them closer together.

Councilmember Stoner commented that she is not a fan of Fishtail.

Mr. Enedie indicated that the Fishtails are lining the wall that runs behind the property line.

In response to Councilmember Stoner, Mr. Enedie advised that the wall is six feet. He stated that there are Fishtails 20 to 22-foot high; clusters of Sabal palms with underplantings and shade trees. There are Mahoganies that are 12 to 14-foot and Oaks that are 18-foot. Those are fairly close together; they just added ten more through there.

Councilmember Stoner questioned what is close together. One of the issues that has happened over the years is that people forget how big an Oak or Mahogany is and then you need to get rid of the tree and no one lets you get rid of it. Mahoganies are extremely messy. The problem becomes that when you beef it up and it looks real nice and is all tight it does not give room for the growth and when you get the growth you get a huge mess.

Danny Ezzeddine, Director of Design, Landscape and Construction Management, was present. He advised that staff has been working with the landscape architect. He clarified that they shifted the location of the trees and they added some more. There are certain requirements in the code to put some category 1 trees, which they did. Most of the trees are palms so there is not a mass of Mahoganies or Oaks. He understands about the Mahoganies. They are in a grassy area.

Councilmember Stoner commented if there is too much shade the grass will not grow. This is going into their privacy issue, which is what they are concerned with. In many of the subdivisions across the City, 75 feet between properties is huge and is not unusual. This is not a zero lot line; there is quite a bit of buffer in between the 75 feet.

Mr. Ezzeddine noted that the Fishtail do create a good buffer. He looked at the plans closely and thinks the landscape works very well in that location.

Councilmember Zimmerman indicated that the neighbors bring up a good point about the number of windows that have changed. He understands there is 11 windows compared to six and maybe eight because two of them are doubles. He noted that out of the new 11 windows, seven are in bathrooms, of which three are shower windows versus tub windows. He does not know the expectations of obscured glass versus clear glass in the bathrooms. That will make a huge difference. If all of the windows in the bathrooms were obscured glass the concern would be reverse; they will have reduced the number of windows. Maybe just the shower windows are obscured then you are back to a very close number of windows; maybe one more window. He is looking a little beyond the look of the elevation.

Mr. DeBach stated that most of the windows are in master bedrooms so you go from a larger window to double windows but it is still the same occupants of the master bedroom looking out. The volume of windows does not impact the number of people looking down; it is the same occupants. With regard to the bathrooms, generally they are the same standard windows unless they have window treatments on them that are closed 100% of the time; however, it allows them to open them to allow light into the unit.

Councilmember Zimmerman commented that he understands a clear window in a Jacuzzi tub or a large tub and getting natural light into the bathroom. The Jacuzzi tub also means that people can't stand right up at the windows. Maybe a compromise might be if the windows in the shower areas are obscured and leave the rest of the windows clear. There are only three windows and they are not just open for everyone to stand by.

Mr. DeBach indicated that is something they could do.

Mr. Enedie advised that the residents do not have any of the details. If it is not in writing it is not set.

Councilmember Stoner stated that Council is trying to address the concerns.

Mr. Enedie requested another meeting so the residents can be furnished with all of the details so they can intelligently think about this.

Mayor Bendekovic mentioned the problem at Chelsea and other places due to the Oaks and questioned if the landscaper can bound the root barriers.

Mr. Ezzeddine stated that when Oaks are near parking islands and parking stalls they are asking for root barriers; it should be on the details when they submit for permitting.

Mayor Bendekovic noted that they are breaking water pipes and mains and if they are not done and the roots are cut they still grow back and do the same damage.

Mr. Ezzeddine advised that they are working with every new development to place them in a strategic location and not around utility lines, etc.

Vivian Ricardo, resident, was present. She lives directly on the cul-de-sac. She expressed concern with the types of trees that are going to be used for screening. She is looking out for the value of her home, which will be highly impacted by this community. All she is requesting is proper protection and screening so residents cannot see into the homes. She mentioned three Oak trees by the wall are going to be relocated. The trees are probably 30 years old if not more and her concern is how the mitigation is going to take place. She questioned the dollar amount of that tree if it dies in a year. She is concerned about moving trees that have been in place for 30 years or more.

Councilmember Stoner commented that Oak trees are deciduous and this is the time if the year that they lose all of their leaves. It is also the best time to transplant them. At the end of the project landscaping will completely review and if something happens to one of the trees an evaluation will be made at that time. In the event the tree has to come down the City has in place that you have to have a permit to remove the tree and you also have to plant so many trees to make up for the caliper of the tree being removed. There is a formula for replacing and it is not something the City takes lightly.

Ms. Ricardo reiterated her concern that if the tree does not make it what will it be replaced with as far as the height and canopy. She does not know if such a tree can be replaced.

Councilmember Stoner agreed that the tree cannot be replaced but that does not mean that you cannot find several very large trees to bring in.

Mr. Ezzeddine stated that at the end of the project they have the Developer Agreement signed between us, Engineering and the developer. We ask for a Bond to cover in case any landscape items do not make it during the warranty period, which is one year. Arborists and the landscape architect assess the relocated trees and we ask for the same amount of money that everyone agrees upon. To replace a 30-year old tree cannot be done; however, if the tree does not make it the assessment has already been done and should be on the plan. The developer will be asked to replace it with the highest, biggest tree, approximately 20 feet, and several trees not only one. This is part of the agreement.

Ms. Ricardo commented that originally there was a setback proposed; it was a variance; and she believes the variance was approved to come in closer to the property line; ten feet. Today they are requesting another two feet. Before approval please remember that they already received a ten-foot variance originally and now we are looking at a total of 12 feet. If this must happen to make the project a success then please give more tall materials to provide complete privacy.

Mr. Laystrom indicated that with regard to the glass and the showers, they are certainly happy to use translucent glass to make that softer. As far as landscaping, he will work with Mr. Ezzeddine for whatever species that both the neighbors and the City feel comfortable with. He believes they have enhanced the landscaping. With regard to the waiver distance, they have not changed that building one foot; the two feet waffles in and out to provide the building with more definition and more relief. They are sensitive to the residents and to the extent they can take away the view issue with the glass they are willing to do that. As far as landscaping goes, they are planting it at bigger heights to get it started and putting in more trees than they had before. They will continue to work with the neighbors throughout the process as far as providing a contact during construction as well to make this something they are proud of when this is done.

Councilmember Stoner commented that they may wish to have a central contact because residents are saying they are not getting the information.

Mr. Laystrom advised that they will do it individually; it is not a big group.

Councilmember Levy stated that it is very important that you be part of the process; everyone should be included. He believes Mr. Laystrom will do as he has promised and that he will meet the objections. He does not think it needs to come back to Council unless someone is not satisfied and further action is needed. He does not want to delay this any longer but he wants everyone to be satisfied and hopes that everyone will work this out with resident opinions included.

Mr. Laystrom indicated that he would collect phone numbers from everyone. They have done line of sites but they will do one for residents that want to see where the trees are.

Mr. Leeds commented that in addition to what Councilmember Levy said, he reminded the applicant that if another significant change is made regardless of what the source of it they will be coming back to Council.

In response to Councilmember Stoner, Mr. Leeds stated that they had a long conversation about whether these changes were significant enough to be re-presented to the Council and to notify the Association. He does not want to get a call from a resident saying that is not what they saw at the Council meeting.

Mr. Laystrom advised that they would agree in lieu of the Plan Adjustment Committee to take any change to Council.

Sam Quickward (sic), was present. He stated that the day he found out that there were going to be changes to the elevation he put a memo out to every person in the community. There should be no delay; there is complete transparency. They just found at on the date of this meeting that there were not going to be any balconies; therefore, they could not talk to everyone. He did get a chance to talk to some people and they were very pleased that they did away with the balconies.

Councilmember Stoner believes that Mr. Laystrom has represented that he will be in contact to individually address the issues.

In response to an unidentified resident, Mr. Laystrom advised that they previously received a waiver for a setback and that waiver is not changing from before. He noted that the setback slightly changes on buildings that exceed the code anyway.

Mr. Leeds stated that this plan was originally approved and each building was granted a waiver to the setback. The waiver was based on constructing a building envelope. As long as the buildings stay within the set envelope they can pivot a little or move; they did not have to come back to Council for a waiver. That is what the Council granted a waiver to and that is why there is no waiver this time. They are still in the envelope.

Motion by Councilmember Levy, seconded by Councilmember Zimmerman, to approve Item No. 30 subject to the caveats from this conversation. Motion carried on the following roll call vote:

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

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COUNCILMEMBERS' COMMENTS

Councilmember Fadgen wished everyone a Happy President's Day.

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Councilmember Zimmerman encouraged everyone to go to Volunteer Park and show support for the Women's Club Antique Show.

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Councilmember Levy mentioned the Election and noted that there are various dialogues going on throughout the City.

Mayor Bendekovic advised that there are Candidate Forums on February 17, 18 and 19. The one on February 17, 2015 is at Volunteer Park from 7:00 p.m. to 9:30 p.m.; February 18, 2015 is at Lauderdale West at 7:30 p.m.; and February 19, 2015 is the Haitian American Club at 7:00 p.m. at Deicke Auditorium.

Councilmember Levy urged everyone to attend those meetings because this is when you can get one on one with your politicians. March 10, 2015 is the Election. Get an absentee ballot if you cannot make it because we do not want to have a poor turnout.

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Mayor Bendekovic reminded everyone to get their Three Steps to Wellness by March 30, 2015.

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Councilmember Stoner previously mentioned placing Public Comments at the end of the meeting and/or before the Consent Agenda. She had asked the City Clerk to do a quick survey of other cities and how they do it. She spoke to several cities that we generally figure are comparable to our own and four do before and four do after. The ones that do Public Comments before the agenda are limited to three minutes and no more than five members of the public may speak before the Consent Agenda.

Ms. Slattery clarified that Fort Lauderdale has one meeting; the first meeting a month. They limit the people that can speak to three minutes. If there is something that is an emergency at another meeting it is up to the discretion of the Mayor.

Councilmember Stoner stated that many times someone has called on the date of the meeting asking to speak before the meeting versus after and groups have been accommodated very willingly. She thinks all of the Presidents have done that without hesitation. She does not want the public thinking that we are not addressing their concerns about Public Comments and having to wait until the end of our meetings. She questioned if any of the Councilmembers are inclined to move Public Comments before the Consent Agenda.

Councilmember Zimmerman believed they should be entertained at the beginning of the meeting. He does not think that the public needs to sit through some of our business. Some of the comments might help guide us in a different direction.

Councilmember Levy commented that a problem he has seen many times with having it before the meeting is that there are people who come for certain items and decide to make speeches about the item to try to influence and lobby prior to discussion and a vote. He feels that when there is a large group present for a particular matter that they have always been moved to the front with the way we have it now at the President's discretion. The system has worked at the President's discretion and he thinks we should leave it like that.

Councilmember Fadgen believes there should be time limits so there will not be any long speeches. He thinks it has been working reasonably well. Residents should know that if there is an important item that they have the option.

Councilmember Jacobs felt it should be kept the same.

Councilmember Stoner clarified that we have explored the various options and should anyone wish to speak before the Consent Agenda please feel free to call the City Clerk.

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PUBLIC REQUESTS OF THE COUNCIL CONCERNING MUNICIPAL AFFAIRS

Rico Petrocelli, resident, was present. He commented on Comcast.

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Ramon Sierra (sic), resident, was present with his wife and three children. He explained that one year ago they started a home project which included re-tiling two-thirds of their house including the kitchen and one bathroom. They planned to do most of the work themselves. Upon contacting the Building Department to inquire about permits, they were told they did not need a permit. They then got a dumpster and started working right away while living in the house. The weekend after they pulled out the old tile and placed the old bathroom fixtures in the dumpster they received a notice on their door directing them to stop work right away. They immediately contacted the Building Department and were notified that they needed a plumbing, structural and electrical permits. When they contacted the Building Department the first time around they could have been more descriptive by saying that they were going to remove the old toilet and vanity sitting on the old tile; however, they thought it was understood. All of the permits cost him \$824.93 of which \$495 were fines. While submitting an owner builder permit he submitted plans twice, responded to review comments himself and fixed the plans himself. He is an engineer but he works in transportation not in building. He is very respectful and appreciative of all City staff he dealt with but he was frustrated. He contacted the Mayor's office twice and asked to meet with her; however, his requests were unsuccessful, which added to his frustration. He finished the project and received final inspection approval on January 16, 2015; it took them about a year. He assured that he acted in good faith and tried to do the right thing from the start by contacting the Building Department to inquire about permits. He requested reimbursement of the \$495 paid in fines for starting work without a permit.

Councilmember Stoner questioned whether he spoke with the Building Director regarding a reimbursement.

Mr. Sierra stated that after receiving the notice he came in person and met with the Building Director. He feels that he was penalized for trying to do something right. He did not mention the reimbursement because he thought if he complained that more things would come up.

In response to Councilmember Stoner, Mr. Sierra advised that everyone he spoke with was very professional to him.

Councilmember Stoner commented that it was not having knowledge of the process that caused fear versus staff.

Mr. Sierra stated that when they moved into their house in 2004 one of the first things they did was replace the windows with hurricane impact windows. He pulled the plan himself; all he did was fill out the application and pay for it. This time when he called he should have said including the bathroom toilet and vanity sitting on the tile. He believes he was penalized so he decided to wait until they went through the inspection. Permits were pulled and they did it right.

In response to Councilmember Stoner, Mr. Sierra advised that his house is about 2,500 square feet. He re-tiled just under 2,000 square feet and did one bathroom. He hired someone to do the tile and an electrical contractor. They did the living room, dining room and kitchen. He did not hire a plumber; he did it himself.

Councilmember Stoner empathized that he did not know the process even though he had some familiarity with the permitting process because of the windows. There was a dumpster in the front yard and that is the job of Code Enforcement; they enforce the rules.

In response to Councilmember Stoner, Mr. Sierra stated that he spoke with Mr. Sabouri. He reiterated that he was disappointed that he could not meet with the Mayor.

Mayor Bendekovic indicated that she could not have helped with the situation because she is not a general contractor. She would have referred him to Mr. Sabouri because she is not going to make a decision when it has to do with the Building Code.

Mr. Sabouri advised that people tend to minimize the work they want to do and when asking a question they get an answer. There are no permit requirements for changing tile in the house; the understanding is that the tile comes up and the tile goes down. When the tile goes into the kitchen and the bathroom and fixtures come out electrical has to be upgraded and all of that requires a permit. If you ask to replace tile no permit is required and code allows repairs less than \$1,500 not to require permits. When going into something bigger and there is a dumpster in front of the house we have to check it out. If work is started without a permit it is customary that you get a double fee. The idea is to discourage people from doing work without a permit. They try to help the owner builder as much as possible. Owner builder is only given if you are competent enough to do the work yourself. Obviously you could not do electrical and that is why an electrical contractor was needed; he was allowed to do the tile. The Florida Building Code says they can charge a fee as much as five times the permit fee.

Councilmember Stoner questioned what Council can do.

Mr. Morgan did not believe there was a whole lot that Council could do. The Building Code is officiated by the Building Official, who has the authority to interpret and enforce that. The permit was issued a year ago so it is beyond any normal appeal type period even there isn't any for this type of thing.

Councilmember Stoner that there are five Councilmembers in addition to the Mayor that you can contact at any time with any concern. These directors are here to listen and assist.

Mr. Sierra believes that he is not requesting anything unreasonable; he is asking that the fines be reimbursed. He reiterated that he might not have been descriptive enough but he did not do it on purpose. He understands that the Building Code is in place for the safety and well-being of himself and others.

Councilmember Stoner indicated that they have consulted with legal counsel and there is nothing they can do. In the future if anything happens call the minute it happens; we are here to help you and assist.

Mr. Morgan mentioned that the permit fee and penalty was already paid for not pulling the permit.

Mr. Sierra stated that he paid it on March 17, 2014.

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Dennis Conklin, resident, was present. He made the following comments:

- Friday is the anniversary of President Regan's birthday. He requested a proclamation for a name change of NW 65th Avenue from south of West Sunrise Boulevard and NW 5th Street from east of North University Drive, to "Ronald Regan Way".

Councilmember Levy advised that no one denies Ronald Regan's contribution to this country; however, the State of Florida already honored him by naming our entire Turnpike; the Ronald Regan Turnpike, which runs right through and dissects Plantation. He thinks that is an appropriate level of honor for our former President

rather than a small section of a street in Plantation. We would be setting a precedent; there is only so much we can do.

Mr. Conklin agreed but all of the signs say Florida Turnpike. The reason he selected this small stretch of highway was because it has City Hall; the City Police Station; and the City Fire Headquarters.

Mr. Conklin mentioned the marijuana push and it will be brought up later in the year.

Councilmember Stoner advised that he can only speak as it relates to the City.

Councilmember Levy indicated that Council has already voted and taken a stance.

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SEALED COMPETITIVE SOLICITATIONS – None.

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WORKSHOPS – None.

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Meeting adjourned at 10:00 p.m.

Councilmember Lynn Stoner, President
City Council

ATTEST:

Susan K. 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 _____, 2015.

Susan K. Slattery, City Clerk