

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

March 14, 2012

The meeting was called to order by Councilman Tingom, President Pro Tem of the City Council.

1. Roll Call by City Clerk:

Councilmember:	Ron Jacobs Robert A. Levy Lynn Stoner Peter S. Tingom
Mayor:	Diane Veltri Bendekovic
City Attorney:	Donald Lunny, Jr.
Absent:	Sharon Moody Uria

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2. The invocation was offered by Councilman Jacobs.

The Pledge of Allegiance followed.

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Councilman Tingom introduced Bonnie Hornstein and Olivia Rett (sic), two students from Nova High School who are attending as part of their American Government class.

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3. Approval of Minutes of Meeting – August 31, 2011

4. Approval of Minutes of Meeting – September 7, 2011

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ITEMS SUBMITTED BY THE MAYOR

Mayor Bendekovic read a Proclamation designating March 16, 2012 as *Rotary Club of Plantation Day* in the City of Plantation.

Asbjorn Osteig, President, Bob Schultz, Chris Effner (sic), Frank Lipson, Val Creamar (sic) and Peter Showan (sic) from the Rotary Club of Plantation, accepted the Proclamation.

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Mayor Bendekovic read a Proclamation designating the month of March 2012 as *March for Meals Month* in the City of Plantation.

Peggy Miller, Executive Director, Diane Guronimous (sic) and Howard Ward of Broward Meals on Wheels, accepted the Proclamation.

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Mayor Bendekovic read a Proclamation designating March 30 & 31, 2012 as *Relay for Life Days* in the City of Plantation.

Wendy Robin, Event Chair, along with other committee members of the Plantation Relay for Life 2012 accepted the Proclamation.

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Mayor Bendekovic introduced Pat Hind with the Plantation Woman's Club.

Ms. Hind presented a check to Monica Knapp for \$2,000 to go to the Helen B. Hoffman Library. She presented Sydney with a check for \$2,000 to go to the Plantation Historical Society. This money is to be spent at their discretion. She also presented a check to Mr. Romano for \$1,400 for the Easter Egg Hunt at Pop Traver's on April 7, 2012 and a check for \$250 for the Summer Camp Scholarship Program.

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Mayor Bendekovic made the following announcements:

- School Board boundary discussion public hearings will be held at the Plantation High School Auditorium at 5:30 p.m. on March 28, 2012.
- Broward County Property Appraiser's Community Outreach will be held at the Outreach Center on every Wednesday in March 2012 from 12:00 p.m. – 2:00 p.m.
- Garden Fest will be on Saturday, March 24, 2012 from 9:00 a.m. – 5:00 p.m. and Sunday, March 25, 2012 from 9:00 a.m. – 4:00 p.m.
- Kid's Days Off Events will be coming up soon: Friday, March 30, 2012 and Friday, April 6, 2012 at Plantation Central Park and the Share-A-Pony will be held at the Plantation Equestrian Center.
- The Women of the Year Luncheon will held at the Jacaranda Country Club on March 31, 2012.
- The Friends of the Library Author Luncheon will be held on March 17, 2012.

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CONSENT AGENDA

As a Commissioner of the CRA, Mayor Bendekovic has a voting privilege on Item No.'s 18 and 22.

Item No. 14 was pulled and discussed separately.

Mr. Lunny read the Consent Agenda by title.

5. Permission for Mitchell Memorial Church of Christ to have a rummage sale in their church parking lot on Saturday, April 7, 2012 from 7:00 a.m. until 2:00 p.m.
6. Approve the First Annual Celebrate Plantation Free Concert in Plantation Midtown on Friday, April 20, 2012 from 5:00 p.m. until 10:00 p.m.
7. Approve purchase of a total of three (3) 2012 vehicles described as two (2) Ford Taurus' and one (1) Ford E-150 Econo-line Van from Plantation Ford for a total of \$65,614.94. (Budgeted – Fire)
8. Approve purchase of NetMotion yearly maintenance from NetMotion/Insight in the amount of \$17,572.50. (Budgeted – IT)
9. Request to award a purchase order to Jackson Land Development, LLC for sewer force main excavation and pressure testing in area of Broward Boulevard just west of SW 82 Avenue. (Budgeted – Utilities)
10. Request for approval of a purchase order in favor of Vision Enviro Services, LLC for the Media Replacement of the Reuse Pressure Filters at the Regional Wastewater Treatment Plant in the amount of \$39,350.00. (Budgeted – Utilities)
11. Request for approval of a purchase order in favor of Jackson Land Development, LLC for the emergency sewer repair at 101 S. Pine Island Road in the amount of \$29,498.04. (Budgeted – Utilities)
12. Request for authorization to approve a purchase order in favor of Miller Pipeline, Inc. for the gravity sewer main lining in the Lift Station #1 basin for a price not to exceed \$150,714.30. (Budgeted – Utilities)
13. Request to approve a work authorization to Hazen & Sawyer, PC for a design modification for odor control improvements at the Regional Wastewater Treatment Plant in the amount of \$27,500. (Budgeted – Utilities)
15. **Resolution No. 11455**
RESOLUTION approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period February 16, 2012 through February 22, 2012 for the Plantation Gateway Development District.
16. **Resolution No. 11456**
RESOLUTION approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period February 16, 2012 through February 22, 2012 for the Plantation Midtown Development District.

17. **Resolution No. 11457**
RESOLUTION approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period February 16, 2012 through February 22, 2012.
18. **Resolution No. 11458**
RESOLUTION approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period February 16, 2012 through February 22, 2012 for the City of Plantation's Community Redevelopment Agency.
19. **Resolution No. 11459**
RESOLUTION approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period February 23, 2012 through March 7, 2012 for the Plantation Gateway Development District.
20. **Resolution No. 11460**
RESOLUTION approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period February 23, 2012 through March 7, 2012 for the Plantation Midtown Development District.
21. **Resolution No. 11461**
RESOLUTION approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period February 23, 2012 through March 7, 2012.
22. **Resolution No. 11462**
RESOLUTION approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period February 23, 2012 through March 7, 2012 for the City of Plantation's Community Redevelopment Agency.

QUASI-JUDICIAL CONSENT AGENDA

Councilman Tingom combined the Quasi-Judicial Consent Agenda with the Consent Agenda after it was confirmed the item would not be pulled for discussion.

23. **Resolution No. 11463**
RESOLUTION VACATING, RELEASING AND ABANDONING DRAINAGE EASEMENTS ON LOT 1, LOT 2, AND LOT 3 OF THE ROBERTA WOLFE PLAT, AS RECORDED IN PLAT BOOK 170, AT PAGE 33 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA AND UTILITY EASEMENTS ON LOT 1, LOT 2, AND LOT 3 OF THE ROBERTA WOLF PLAT, AS RECORDED IN PLAT BOOK 170, AT PAGE 33 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; SUCH VACATED AND RELEASED PROPERTIES BEING MORE PARTICULARLY DESCRIBED AND DEPICTED ON THE SKETCHES AND DESCRIPTIONS OF THE PROPERTIES TO BE VACATED, ATTACHED HERETO AS EXHIBITS "A-F" RESPECTIVELY, AND FURTHER ABANDONING ANY PUBLIC IMPROVEMENTS WITHIN SAID EASEMENT LANDS; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

Motion by Councilperson Stoner, seconded by Councilman Levy, to approve tonight's consent agenda and quasi-judicial consent agenda as printed. Motion carried on the following roll call vote:

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

NOTE: Mayor Bendekovic voted affirmatively on Item No.'s 18 & 22.

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Mr. Lunny read Item No. 14.

Ordinance No. 2467

14. Continued Second and Final Reading of an **ORDINANCE** pertaining to the subject of Volunteer Firefighters Pension and retirements amending chapter 18 "Pensions and Retirement", Article III "Volunteer Firefighters", of the Code of Ordinances of the City of Plantation to provide for discretionary annual benefits for Volunteer Firefighters and retirees; providing for Administration for such discretionary annual benefits; providing for the sole funding source of such discretionary annual benefits; providing a savings clause; and providing an effective date.

Dennis Conklin, resident, pulled this item for discussion about the overfunded status of the Volunteer Firefighters' Retirement Fund. He encouraged caution by the Council in proceeding with this item. He requested that any funds left over go towards unfunded liabilities that may or may not occur to the actual Volunteer Firefighters' Pension Fund.

Councilman Jacobs commented that he agreed to the Ordinance because there are some circuit breakers in it such as: 1) This Ordinance was delayed because it automatically kicked in each year unless the Pension Board says "no, we're not going to give it this year" 2) If the fund ever reaches 115% funded or less then it's dead for that year. Now the Ordinance is written such that it has to be brought up in front of the Board every year and they have to discuss it and if the funding is appropriate then they may but do not have to distribute some of the surplus funds. He was concerned about the change in investment assumption the surplus disappears depending on the change. The investment assumption is not 7.5, it's really 6.9 because of the way it is calculated. Given the circuit breakers and the fact that the money is intended for the Firefighters, there has to be balance of distribution and the current stance of zero contribution except from the Chapter 175 he thought that it would be okay to allow the Ordinance to go forward. The previous version of the Ordinance made it retroactive, this version does not. There is no discussion until this year 2012 regarding whether or not the Board will do the first distribution. Once a distribution is made there may never be another one after that, so it's not a typical benefit that you find in a retirement plan.

Mayor Bendekovic added that the City of Plantation does not contribute anything to the fund and that it is fully funded by the Chapter 175 money from the State.

Mr. Conklin requested there be a termination of all defined benefit plans and initialize a defined contribution plan.

Councilperson Stoner requested that Mr. Lunny black-line any future changes to Ordinances presented to Council.

Motion by Councilman Levy, seconded by Councilman Jacobs, to approve Ordinance No. 2467. Motion carried on the following roll call vote:

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

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ADMINISTRATIVE ITEMS – None.

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LEGISLATIVE ITEMS – None.

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QUASI-JUDICIAL ITEMS – None.

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COUNCILMEMBERS' COMMENTS

Councilperson Stoner stated that the City received phone calls pertaining to correspondence from Administration to the Broward County Historical Commission regarding not approving the historical designation for the Community Center. She was also provided with a piece of correspondence from Congressman Allen West supporting the Historical Federal Designation and a copy of a letter from the Historical Commission saying that the application was already completed. She requested Council be updated on this topic.

Mayor Bendekovic clarified that she wrote a letter to the Historical Commission which stated that Council had not made a definitive decision and asked the County to allow the City Council to make the final decision. This topic will be coming back to Council on April 7, 2012 along with the design that was requested with a sketch by Danny Ezzeddine. She attempted to meet with the Historical Commission in the form of an informative staff meeting but was told it falls within the Sunshine regulations so the meeting was cancelled. She believed that this decision is up to the City Council and should not be decided by an outside source.

Councilperson Stoner informed Council that Broward County has a historical program that does in fact cover properties throughout the county even though they are city owned properties.

Mayor Bendekovic expressed that she gave Broward County the option of restoring, preserving, maintaining and financing for the Community Center and in return the City would agree to the Interlocal Agreement. However the County was not in support of any funding for this property and she felt the topic should be handled by the City Council and declared that she will not move on that position. There was a letter from Commissioner Gunzburger which indicated that this has to go to the Planning Council first. The situation is currently being monitored and the City is in constant communication with the Commissioners.

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Mayor Bendekovic made the following announcements:

- The Broward Complete Street Initiative Workshop for safer healthier streets for all users will be on Tuesday, April 17, 2012 at 3:00 p.m. – 7:00 p.m., on April 18, 2012 at 6:00 p.m. – 8:00 p.m. and on April 19, 2012 at 1:00 p.m. – 3:00 p.m.
- The Broward League of Cities installation dinner is being held on Friday, May 18, 2012, 6:30 p.m. at the Urban League Broward County building.
- The Florida League of Cities conference is August 23 – 25, 2012 in Weston.

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Councilman Tingom also introduced Benjamin Shagner, Sebastian Siavedra, Davin Great, Dillon Olivera and Mindy from Nova High School and Sabian Mycha from Pembroke Pines Charter School in attendance pertaining to their American Government classes.

Councilman Tingom wished everyone a Happy St. Patrick's Day and announced that March 16, 2012 it will be his 44th Wedding Anniversary.

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PUBLIC REQUESTS OF THE COUNCIL CONCERNING MUNICIPAL AFFAIRS

Bob Knox, President of the CAJHO (Canterbury Jacaranda Homeowner's Association), stated that he has been receiving many concerns from homeowners about the Fashion Mall which has gone into Chapter 11 bankruptcy. He wanted to know what effect that will have on the City and what plans are being made about the Fashion Mall situation. Mr. Knox also wanted to know what the City was going to do about the vandalized Village on the 5th property.

Mayor Bendekovic answered that pertaining to Village on the 5th, the owners have applied for a site plan.

Mr. Leeds stated that there have been modifications made to the project for the Village on the 5th. Pertaining to the site plan, it has been changed to reflect two-story buildings in the back versus the original plan of three-story buildings. The project is supposed to be divided up into two phases. The architect is moving forward however the City does not know the time frame of when they will be applying for a building permit.

Mayor Bendekvoic asserted that pertaining to the property called 321 North (formerly the Fashion Mall) she has been notified about the bankruptcy and for there to be any further action, plans have to be placed before a judge. So there will be movement but it has to go through the court system now.

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SEALED COMPETITIVE SOLICITATIONS

Mr. Lunny read each item by title.

- 24. REQUEST FOR APPROVAL TO AWARD CONTRACT FOR 84TH TRANSIT GREENWAY BASED ON SEALED PROPOSALS OPENED ON FEBRUARY 28, 2012.

Awarded To: Weekly Asphalt Corporation

- 25. REQUEST FOR APPROVAL TO AWARD CONTRACT FOR COUNTRY CLUB ESTATES MURT BASED ON SEALED PROPOSALS OPENED ON FEBRUARY 28, 2012.

Awarded To: JCM Development Group, Inc.

Motion to by Councilman Jacobs, seconded by Councilman Levy to approve Item No.'s 24 and 25. Motion carried on the following roll call vote:

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

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Meeting adjourned at 8:37 p.m.

Peter S. Tingom, President Pro Tem
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 _____, 2012.

Susan Slattery, City Clerk