

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

June 27, 2012

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

1. Roll Call by City Clerk:

Councilmember:	Ron Jacobs Robert A. Levy Lynn Stoner Peter S. Tingom Sharon Moody Uria
Mayor:	Diane Veltri Bendekovic
Asst. City Attorney:	Quentin Morgan

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2. The invocation was offered by Councilwoman Stoner.

The Pledge of Allegiance followed.

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3. Approval of Minutes of Meeting – November 16, 2011

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

The Minutes of the City Council meetings of November 16 and December 7, 2012 were approved with one correction to the December 7 meeting.

- Page 13064; the very last word should be **ICLEI** not ICLEA.

A correction was made to the November 16th minutes prior to this meeting on Page 13016. It was not the Florida League of Cities; it is the ***Broward League of Cities***.

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ITEMS SUBMITTED BY THE MAYOR

Mayor Bendekovic requested a moment of silence to respect the public service of Don Lunny, Sr. to the City of Plantation.

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Mayor Bendekovic presented Service Awards to the following Employees:

James Gabrione	Building	25 years
Rupert Palmer	Parks & Recreation	25 years
James Rodgers	Parks & Recreation	25 years
Blake Estes	Fire	15 years
*Traci Kroupa	Utilities	10 years
*James Wallace	Public Works	10 years
Anthony Gonzalez	Parks & Recreation	5 years

*Unable to attend.

Congratulations were offered.

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Resolution No. 11512

5. **RESOLUTION** of Appreciation Kathryn Williams for 14 years of dedicated service to the City of Plantation.

Motion by Councilwoman Uria, seconded by Councilman Levy, to approve Resolution No. 11512. Motion carried on the following roll call vote:

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

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Mayor Bendekovic read a Proclamation designating the month of July 2012 as ***Code Awareness and Safety Month*** in the City of Plantation.

Jeff Sabouri, Building Director, accepted the Proclamation.

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Mayor Bendekovic announced that the City of Plantation was one of 16 cities that received the Platinum Permitting City Award from the Greater Fort Lauderdale Alliance.

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Mayor Bendekovic read a Proclamation designating the month of July 2012, as ***Parks and Recreation Month*** in the City of Plantation.

Jim Romano, Director of Parks and Recreation, accepted the Proclamation.

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

- The Annual Independence Day Parade will be next Wednesday, July 4, 2012, starting at 9:00 a.m. That evening there will be a free concert beginning at 7:30 p.m. at Central Park on the north end of the ball fields and fireworks at 9:00 p.m.
- Summer camp "B" session is going to begin on July 9, 2012 and run through Friday, August 3, 2012. That program will be held at Central Park, Kennedy Community Center, Volunteer Park, and the Jim Ward Community Center.

Mayor Bendekovic indicated that we recently submitted an application to the Broward League of Cities, Cities of Excellence Awards. It has been announced that Plantation was selected as one of the finalists in the Community Spirit category for its Halloween and Safety Festival, which is coordinated with our Police Department and Parks and Recreation. The winner will be announced at the General Meeting at the Broward League of Cities on August 16, 2012. We also entered Jacaranda Cay street signs for the Peacock Award; unfortunately, we did not make the finals on that.

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Mayor Bendekovic introduced Paul Lampley (sic) and Melanie Sexton, representatives of the I-595 project, who will explain what is going to happen on July 7, 2012. This is going to be put on the airways over the radio; all of the residents need to know that University Drive is going to be closed for a certain number of hours.

Mr. Lampley, with the Florida Department of Transportation is the I-595 Construction Project Manager. Currently they are on schedule and on budget and are looking to bring the job in a little early. They expect to have the reversible express lanes open before March 2014, which was the original schedule, and they will close out the job by the summer of 2014. There will be a closure at University Drive. He mentioned two flyover ramps at the University Drive interchange. The original plan was that both of those ramps will be taken out and they were going to build two new bridges. That would have been a lot of inconvenience to the traveling public, the commuters and the City of Plantation. There are three reversible express lanes that will go eastbound in the morning and westbound in the afternoon. Where the new I-595 eastbound is located, which will be further to the south towards Costco and to the old K-Mart shopping plaza. The segment of that bridge, the flyover from southbound University Drive to eastbound I-595 will have to be jacked up 18 inches to get new lanes underneath it and in addition, the last band in a half, which is about 251 feet on the southeastern part, will be taken off, the bridge will be lengthened a little and shifted a little to the south to get the lanes underneath. The first part of this will be the raising of the bridge, which will happen July 14, 2012; they will start Saturday night at 11:30 p.m. and will end at approximately 11:30 p.m. on Sunday night. That is the least traffic in the corridor; it will be a 24-hour closure of University Drive northbound and southbound. Also, I-595 eastbound and westbound will have to be closed because the bridge is being jacked up and there cannot be any pedestrians or commuters going underneath the bridge. The only people allowed under the bridge are emergency vehicles and they have met with all of the Fire Departments and Police Departments in Plantation, Davie, and FHP. Police support will be provided during this closure. Once that 24-hour period is over and the bridge has been jacked up 18 inches, there will be a 120-day closure of the ramp. The reason for the closure of the ramp is to take off the last 251 feet of the bridge, build new piers/new columns to support the bridge, put in new steel guarders, pour new concrete, and put in a new barrier wall. The schedule for this and why this is being done on July 14, 2012 is because it has to be opened back up before Thanksgiving, as Thanksgiving is a big time for retail in the area. They have an allowable 120-day closure that can be on this ramp in the contract so they need to start this by July 14, 2012. If there is severe weather, such as a hurricane or a tropical storm with high winds, the date will be pushed to July 21, 2012. Additionally, there will be some long term ramp closures that will be done throughout the construction

project. Detour routes will be used to get people around the I-595 intersection. They have met with the airport, the seaport, rental car agencies, and all of the business owners along the corridor so they are aware of this closure. There was a community meeting last week on June 21, 2012 at the Signature Grand to let the public know. There was also advertisement in the Sun Sentinel and they are meeting with the media while doing this event.

Councilman Tingom commented that anytime something is on time and on budget it is a wonderful thing. The creative financing that was done on this is excellent as well. He appreciates the weekly e-mails that detail exactly what lanes are being closed. He thinks anyone that calls their office and provides their e-mail address will get the weekly e-mails.

Mayor Bendekovic thanked them for keeping us informed. We will keep our residents as informed as possible through the radio system we have.

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Mayor Bendekovic introduced Senator Eleanor Sobel.

Senator Sobel stated that it is an honor to represent the entire City of Plantation. With the redistricting process, many cities were divided up north and south and east and west. Her argument to the Redistricting Committee was to keep communities of interest together. She has an election in November and has a Republican opponent. She made the following comments with regard to highlights during the session:

- She was the Legislator of the Year in 2011 for the League of Cities.
- There is an amendment coming up in November, which is called a Table Light, because it is the amount that the State would take from the people. It would only affect the State budget; however, she still did not vote for it because she believes that the State might have emergency situations such as a hurricane and we do need the flexibility to have more revenue if needed.
- She apologized for not having FRDAP money for Parks and Recreation; no one received FURDAP money for Parks and Recreation. In the future, always ask for money because you never know when funds might come around.
- The big thing is incentives. She believes that businesses should be given incentives but there needs to be greater accountability. Money has been given to businesses and they have not performed. She requested that the Governor have a transparent website to see how many jobs were created, where the money went and how long it took to fulfill their obligation.
- The most exciting Bill was Prison Privatization, Senate Bill 2038. There was a movement to privatize all South Florida prisons. She has not seen any problems with the prisons and questioned why they would be privatized. Someone wanted the contract and promised to save us money. After conversation, it was learned that they would save us 7% so the Department of Corrections said that they would cut their budget by 7%. If the prisons are privatized it will cost more. The vote was 21-19 and the Bill died.
- Another surprise was Senate Bill 1718 that dealt with the Parent Trigger, which is about parents taking over a failing public school by petition. If 51% of the parents sign the petition they can take over a public school and give it to a charter school. This Bill would actually give the building to a private corporation. She spoke against the Bill because she does not believe that our schools are for sale to a private company. The vote was 20-20 and the Bill died. This Bill will probably come up again.
- The Governor vetoed a lot of Bills. He signed eight out of the ten Bills presented and one of the Bills actually helped the University of Miami.

- We had a \$300 million cut to public education.
- She was successful in passing a Liposuction Bill. There were two deaths in Broward County and she was able to get a limit in a private office of how much fat can be removed during liposuction. The State does not believe in supporting too many issues of the Department of Health.
- We also made the cover of USA Today. There was a nationwide movement to limit the dangers that women experience in private medical offices for cosmetic surgery.
- A Bill that did not make it was for indoor tanning. This Bill will be brought back in the future.
- She was disappointed with the veto for the \$1.5 million for the Florida Counsel against Sexual Violence. There is no rational not to fund those programs.
- It is hoped that there will be a greater evenness in 2013 that it will be closer in number between Democrats and Republicans so that it could be more balanced and that they will come up with good legislation; there will not be surprise legislation that she believes would hurt the people in Florida.
- We will continue to look fund public education, make sure Charter Schools are accountable, continue to look at the FCAT and diminish its role in public education.
- Broward County did not get a fair share of funding for our cultural programs. Miami Dade and Palm Beach got a lot more money than Broward County. Broward got some money, but not enough in her opinion. As the future Chair of the Broward Delegation, she is going to fight to make sure that Broward County gets its fair share proportionately based on its population.
- With regard to Health Care, she believes we should amend it; not end it. To start from the beginning would be quite difficult. Unfortunately, Florida has not participated as much as they should have in the plan and we have turned away millions of dollars that could have been used.
- She has an office in Tallahassee and in Hollywood and would love to have an office in Plantation.

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Mayor Bendekovic made the following announcements:

- Budget Workshops will be held on July 10 and August 23, 2012 at 6:30 p.m.
- Regular Council meetings will be held on July 25, August 8, and August 22, 2012 at 7:30 p.m.
- Resolution No. 7374 was placed on Council's seats. She realized that some individuals are coming up at the end of the evening asking you to make a decision without any backup material. She believes this is a very good recommendation and Resolution that was set; the originator of it was Councilman Edwards.

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CONSENT AGENDA

As a Commissioner of the CRA, Mayor Bendekovic has a voting privilege on Item No. 14.

Mr. Morgan read the Consent Agenda by title.

6. Approve replacement of two irrigation pumps for Plantation Central Park from Sullivan Electric & Pump, Inc., for a total of \$87,959.30. (Budgeted – Designated Capital).
7. Request for authorization to participate in the Southeast Florida Co-Operative Bid to supply water meter boxes and parts from SD Supply Waterworks LTD from August 17, 2012 through August 16, 2013. (Budgeted – Utilities)

Resolution No. 11513

8. **RESOLUTION** amending the City's Community Development Block Grant 2010-2011 Action Plan; providing for severability; and providing for an effective date.

Resolution No. 11514

9. **RESOLUTION** amending the City's Adopted Community Development Block Grant 2011-2012 Action Plan; providing for severability; and providing for an effective date.

Resolution No. 11515

10. **RESOLUTION** adopting the City's Community Development Block Grant (CDBG) FY 2012-2013 Action Plan; providing for severability; and providing for an effective date.

Resolution No. 11516

11. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period June 7 – June 20, 2012 for the Plantation Gateway Development District.

Resolution No. 11517

12. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period June 7 – June 20, 2012 for the Plantation Midtown Development District.

Resolution No. 11518

13. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period June 7 – June 20, 2012.

Resolution No. 11519

14. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period June 7 – June 20, 2012 for the City of Plantation's Community Redevelopment Agency.

Motion by Councilman Levy, seconded by Councilwoman Uria, to approve tonight's consent agenda as printed. Motion carried on the following roll call vote:

Ayes: Levy, Stoner, Uria, Jacobs, Tingom

Nays: None

NOTE: Mayor Bendekovic voted affirmatively on Item No. 14.

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ADMINISTRATIVE ITEMS – None.

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LEGISLATIVE ITEMS – None.

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QUASI-JUDICIAL CONSENT AGENDA – None.

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QUASI-JUDICIAL ITEMS

15. DEFERRED REQUEST FOR SITE PLAN, ELEVATION AND LANDSCAPE PLAN APPROVAL FOR RENAISSANCE CHARTER SCHOOL LOCATED AT 6701 WEST SUNRISE BOULEVARD.

A request was received from Attorney Bill Laystrom, as representative for the Renaissance Charter School, to delay this to the July 11, 2012 meeting.

Motion by Councilwoman Uria, seconded by Councilman Levy, to delay this item to the July 11, 2012 meeting. Motion carried on the following roll call vote:

Ayes: Levy, Stoner, Uria, Jacobs, Tingom

Nays: None

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COUNCILMEMBERS' COMMENTS

Councilwoman Uria appointed Anita Byer of Setnor Byer Insurance to the Plantation Midtown Advisory Board and Noah Chapman to the Plantation Gateway Advisory Board.

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Councilman Levy urged everyone to come to the July 4th Parade. It is one of the major traditions of Plantation and we are looking forward to everyone coming. Bring your dogs; there will be treats for them as well.

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Councilperson Stoner appointed Colleen Hendrix to the Landscape Planning and Review Board and Sheldon Harr to the Plantation Midtown Advisory Board.

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Mayor Bendekovic appointed Michael Alpert to the Board of Adjustment.

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Councilman Tingom reiterated that the parade is a great event.

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PUBLIC REQUESTS OF THE COUNCIL CONCERNING MUNICIPAL AFFAIRS

Lucille Justin, resident, was present. She is very upset with the City of Plantation because they have forgotten Mirror Lakes and particularly NW 15 Street and NW 16th Street from NW 11th Place to Plantation High School.

She recently learned that her zip code is not Plantation; her post office in Lauderhill. When she gives her zip code because she has a Fort Lauderdale address her costs are higher in insurance. She requested that Council provide a contact so she can call in an attempt to get a Plantation zip code.

In response to Ms. Justin, Mayor Bendekovic indicated that she has taken care of the lighting situation in the area. Street lights are with FP&L and after the last call Mr. DeCelles looked at the lights. It was determined that some of the bulbs were burned out and would be replaced. Lights cannot be halogen; they have to be whatever is currently there. As far as Mayor Bendekovic knows, additional lighting will not be put in the area.

In response to Ms. Justin, Mr. DeCelles advised that she would have to speak with the City Engineer regarding additional lighting and she will be given direction on how to contact FP&L.

Ms. Justin stated that she does not have a grievance with anyone on the dias; it is personal. All of the properties have gone down in value, which she can accept, but she cannot accept being thrown on the side. The value of her home has gone down because of two reasons; the economy and because the City has literally forgotten Mirror Lakes, especially between NW 11th Place and NW 16th Street. Papa Johns will not even deliver on NW 16th Street and to Plantation Meadows because they are afraid.

In response to Councilwoman Uria, Ms. Justin indicated that her zip code is 33313.

Councilman Tingom advised that many of her questions could be answered by the City Engineer and by different people. He requested that she write her questions and give them to Administration or to all of the Council members.

Mayor Bendekovic stated that she has responded to Ms. Justin on several occasions.

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

- He said a prayer for Don Lunny, Sr.
- We are entering day 7 of Fort Night for Freedom; that is prayer, fasting and reflection in an attempt to restore religious liberty to the United States by eliminating, in its entirety, the Obama Care Law.
- He thanked the City for putting the Mayor's Budget presentation on the City website. There has been a lot of talk about \$10.1 million; however, slide #6 keeps mentioning \$15.2 million and it was also repeated on slide #7. There is a discrepancy of basically 50%. Page 11 mentioned that there were no reserves available and it goes into some of the missing money mentioned. He referenced the City's COFER dated September 30, 2011. Note #3; Deposits and Investments continued on Page 35. In the second paragraph, last sentence, "All investments including restricted and unrestricted totaled \$73,472,175." This is what he has been referring to for years as the City of Plantation's mountain of money. Reserves are one thing that is basically a requirement but the City is sitting on a mountain of money. They have over \$42 million in Money Market Funds, in SunTrust, US Bank, and First American Funds; \$42 million in readily liquid funds and there is enough to make up the \$73 million. Page 15 of the City slides mentions revenue over time and the complaint was the 2007 roll back. What was concentrated on and put in red on the bottom was that the General Fund is now, after the 2007 roll back, 1.6% less than it was in 2007 and that the ad valorem revenues were actually 14.3% less than in 2007. . He questioned why there was a roll back; if you go back five years the revenue to the City includes 76.6% and the General Fund increased 60.5%. He referenced Page 19; General fund Expenditures. It

mentioned that personnel costs were 80.5% in the projection for 2013. In last years, according to its presentation budget, the cost for employment was 73.9%; costs increased by 9% in a single year.

Mayor Bendekovic stated that there is a \$10.1 million gap but the other part is what is needed in order to solidify and show that we are closing the gap. We need that in our reserves. Unassigned reserves are \$4.1 million and the other \$1 million is for designated capital. We have not put anything into that but we do not need it overnight; that is what we are going to have to work for in the future. The gap we have is \$10.1 million.

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Lee Hillier, resident, made the following comments:

- He commended the Police Department.
- He provided a DVD to the City Clerk.
- He was pleased to see that the Federal Judge was talking about voter rights and he has only missed one election in his life.
- In today's Miami Herald he was disappointed about the editorial that talks about Governor Scott in a Nazi uniform talking about voting laws.
- Voter registers have Obama displays, which is strictly prohibited by Broward County code not to allow this kind of registration to occur. At the door swing of the West Broward Regional Library, going on three months, people with Obama 2012 have been signing up and harassing people. He referenced County Ordinance 3960 about temporary signs that says, "They shall not be displayed at any County facility". Next door is the Broward County West Regional Courthouse. The same people are out there with signs on tables soliciting voters and much of the law enforcement is there. He is curious which laws may or may not be policed. Upon going to the Supervisor of Elections website, which talks about Florida Statute Section 101.031-2; Voters Responsibility, it says, "Report any problems or violations of Election Laws to the Supervisor of Elections". He would like to see when and if our Police Department will follow the law and get rid of these people who are breaking the law by doing these illegal sign ups. This would be a third party endorsement, so essentially the Obama campaign is paying people to solicit voter registration. He intends to call the Police Department and have them shut down this operation. He thinks that it is imperative that we follow these laws and don't disenfranchise anyone who has voted consistently. The Supervisor of Elections has a great outreach program and signs up voters and he does not feel that the soliciting is fair.

Mayor Bendekovic suggested that Mr. Hillier give all of the information to Chief Harrison. She said that she would see what could be done with Dr. Snipes' office; she will find out what is within our jurisdiction.

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Rico Petrocelli, resident, questioned how we could be told last year that we would have a \$5 million deficit and now it is \$10 million. Mr. Shimun provided hard facts but did not say why and where the other \$5 million came from. What is needed and should be completed as soon as possible is an outside City audit done by a professional whose job does not depend on the outcome. Which Council person is going to say who, what, where, why and how? If the above questions were asked real answers would follow. For years we were told that it would be a tight, but okay year. Articles state that a Council member is basically saying, "Whatever is done I am okay with, raise taxes, fees and more". He is not okay with it and Council should not be either. He questioned how much is really in the reserves; different numbers were heard tonight. How will the \$5 million be made up and who is at fault for the \$5 million deficit? Perhaps Council should ask residents for answers, along

with the School Board, the County Commission and others; we deserve straight answers. If no one can take responsibility for this maybe it is time for Plantation to have a professional City Manager who actually answers to the Council and its residents. True leadership is an action; not just a position and responsibility comes with it. He would like to defer the last 30 seconds to standing here in silence for residents who cannot be here tonight.

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Mr. Morgan read Item No. 16.

16. COUNCIL REVIEW OF CODE ENFORCEMENT REDUCTION OF FINES ON CASE CE-07-01395 PROPERTY LOCATED AT 260 SW 55TH AVENUE.

A memorandum dated June 21, 2012, to Mayor Bendekovic and City Council Members, from Susan Slattery, City Clerk, follows:

The attached Request for a Council Review of fine reduction was received in the City's Clerk's Office on Friday, June 15, 2012.

The first decision that the Council will need to make is if they wish to hear the item. If you choose to hear the item, you would only be reviewing CE07-01395. Case CE08-01230 does not meet the criteria set in the Code for a City Council review.

I have attached the required information stated by the Code. If you have any questions, please feel free to contact me.

Mr. Morgan explained that the City's ordinance provides a couple of ways for property owners who have been through the Code Enforcement process once they have brought their property into compliance to seek a reduction. One is through the Administration, which has the ability to agree to relief up to 25% of the fine plus City costs and hard costs; and the other is to go through the Special Magistrate process, where they have the authority to reduce the fine to \$0. In this particular case, the respondent went through the Special Magistrate process and they have the ability, if the Council chooses, to seek review by the City Council. The Council has the ability to agree to hear the matter or not and whether anything will be done to the fine or not. In this case the fine was reduced at the Special Magistrate hearing to \$26,660 plus City costs which included on the City staff costs of \$665.75. This case was referred to the City Attorney's office for foreclosure so there was some litigation involved in the property as there was no movement with the property owner to get the property into compliance. A law suit was filed against the property owner and the property was brought into compliance eventually and as is the policy, we try not to go the process for people to come in and ask for a reduction and pay that cost. The other result is them losing their property. What normally happens is that legal costs are expended, in this case there was more than in a normal case because it went to litigation, and added to the cost of the lien but it does not appear that City costs were added to this case. The actual \$27,325.75 does not include costs from Brinkley Morgan, which as of March, were \$7,500.

Mayor Bendekovic advised that this was never brought to her; it was brought straight to Council. Council does not have to hear if they do not want to.

Councilman Jacobs commented that if we hear this then we have to make a decision.

In response to Councilperson Stoner, Mr. Morgan indicated that the City pays the Special Magistrate. He was not sure of the fee; Finance usually does the charges, and depending on the docket at that particular hearing, those costs would be divided amongst the cases.

Councilperson Stoner stated that \$665 over a five-year period is almost a little on the low side and something has been missed. She questioned whether the \$665 is a current number and the legal fee as well, and noted that there will be costs incurred by Legal and staff after any resolution. In her opinion, we should not have to absorb the cost after the fact. She would like Mr. Morgan to prorate the additional time.

Mr. Morgan advised that he will probably not incur additional fees if the decision tonight is not to hear this. He requested that the respondent be given the 30 days that the Special Magistrate allowed to pay and nothing will be done unless they do not pay, at that time the fine would go back to \$88,000 plus. There would be some costs because the law suit has to be released. If the respondent is paying and they are just dismissing the law suit, the time incurred would be less than an hour.

Councilperson Stoner emphasized that is all they get to bill the City if that is what the respondent is told. She noted that recorded liens would have showed up in the title search and they chose to close and buy it with an outstanding lien.

Mayor Bendekovic stated that it says he discussed the benefits of the company purchasing the property, refurbishing it and selling it at a retail cost and the City would benefit.

Attorney Matthew Schlichte indicated that his client purchased this home as a foreclosure sale. They consider themselves as an innocent third party, just as the City is. The problems with this property have been apparently taken care of for more than a year; they purchased it in February and his client did not understand or appreciate the extent of the liens at the time he purchased it.

Councilperson Stoner commented that you cannot say that your client is experienced and does this all the time and then claim that he did not know how to do it or that these things could have existed. This is standard procedure; he took the risk on himself when he bought it either without a title search or did not do his own investigation in the City in which he is in.

Mr. Schlichte advised that his client does not turn the homes into vacation homes; they buy them and try to resell them to benefit the City as well.

Councilperson Stoner stated that a profit is also made in the process. You cannot represent that your client is trying to do a good thing for everybody involved and request that he be let off the hook when the reality is that he is in it to make a profit.

Mr. Schlichte indicated that at the current reduced rate, which they appreciated the Special Magistrate doing, is an extraordinary hardship and there is no profit. They are willing to pay whatever the attorney and administrative fees are; they are not trying to get out of paying what is appropriate. In dealing with other cities, they have Amnesty programs, and part of that may be why his client purchases properties with or without a title search with the hopes to negotiate with the City.

Councilperson Stoner advised that this City did determine what was fair when they set up the lien process and we did in fact have an Amnesty program, which just ended. The respondent had more than a year to bring this property in.

Mr. Morgan believes what may have happened was the original property owner was not responsible and did not try to take advantage of the programs offered by the City.

In response to Councilperson Stoner, Mr. Schlichte is requesting additional relief if that is possible.

Councilman Tingom commented that Mr. Schlichte's attitude at this meeting is tremendously different than it was at the May 19, 2012 meeting when he was belligerent and threatening to our City staff and the Special Magistrate. He indicated that he is not in favor of approving this. He believes that the respondent should have gone through the correct procedure to go through Administration and he personally prefers not to hear this tonight but he will exceed to the wishes of his fellow Council members.

Mr. Schlichte advised that he was not at the May 19, 2012 hearing; it would have been someone else from his firm.

Councilwoman Uria questioned why they chose this avenue instead of the other and why the fine should be reduced.

Mr. Schlichte indicated that in looking at the code; Code Enforcement gave them either option, either to go to the Mayor or to Council. He felt it was best to go to the Council. They are requesting the reduction because his client did not incur these violations and the violations have been taken care of for more than year. His client has increased the value of the property, as far as making more renovations.

Councilwoman Uria questioned why the fines continued to add up if the violations have been in compliance for more than a year.

Mr. Schlichte stated that they only took over in February 2012 so they only had it for a few months.

Mr. Morgan advised that the fine stopped as of the date of compliance and at that time correspondence was sent to the property owners giving them the information about coming in for a fine reduction. The scoring guidelines that the Council adopted when we redid the Code Enforcement ordinance scored this to be reduced to about \$53,000 and they got reduced to \$27,000.

Mr. Schlichte indicated that if he would addressed that issue his client is probably one of the largest purchases of foreclosed properties in Broward County and he wants to business wherever he can find a property that he can make a profit on.

Councilman Tingom emphasized that he would prefer not to hear this and that the respondent needs to go through Administration.

***Motion by Councilperson Stoner, seconded by Councilwoman Uria, for this case to go before the Mayor.
Motion carried on the following roll call vote:***

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

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SEALED COMPETITIVE SOLICITATIONS – None.

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WORKSHOPS

17. PROPOSED ORDINANCE RELATING TO THE POLICE OFFICERS' RETIREMENT SYSTEM.

A memorandum dated June 13, 2012, to Susan Slattery, City Clerk, from Liz Andrews, Police Plan Administrator, follows:

Enclosed please find a proposed ordinance amending Section 18-65(6) to update the manner in which a Police Officer may change his or her joint and survivor beneficiary to comply with State Law, providing for codification, providing for severability and providing an effective date therefore.

Also included is a letter from Gabriel Roeder & Smith stating the change will not have an actuarial impact on the plan and a procedure form showing the history of the proposed ordinance.

Please advise once this proposed ordinance has gone before the City Council for the first reading in order to send the ordinance and Impact Statement to the State Actuary and Patricia Shoemaker before the second reading.

Thank you.

Stuart Kaufman, Klausner, Kaufman, Jenson, and Levinson, Counsel for the Police Pension Fund was present. He advised that a proposed ordinance has been provided to bring the City Code in compliance with Chapter 185. He distributed copies of the actual Statute for review because the matter in which they seek to change the ordinance provides that they should just comply with the provision of Chapter 185.

In response to Mayor Bendekovic, Mr. Kaufman indicated that this does not have any actuarial impact on the plan. The law was changed Chapter 185.161 in June 2010 to provide the matter in which someone may select a joint and survivor beneficiary. One of the retirement options are that you can take an option at an actuarial reduced amount but it will provide an additional benefit for your wife or a child if chosen. The Statute used to provide that you could only change it if the designated beneficiary was still alive and in good health. The law was changed two years ago so you can now change it up to two times during your lifetime after your retire and it can be changed to someone who is not alive. The actuarial reduction is taken into consideration so it does not have any actuarial impact on the pension fund. This particular Statute has changed two or three times over the past ten years and rather than inserting the language. The change is in Chapter 185.161 Subsection 3C, which is needed in order to receive premium tax monies from the State of Florida. Rather than quote the language he put in the ordinance that "The joint and survivor beneficiary can be changed in accordance with the provisions of 185.161 and 185.341" so if the Legislature was to change the Statute again, he would not have to come back.

In response to Councilman Levy, Mr. Kaufman did not believe this needed to be moved forward tonight.

Mr. Kaufman stated that if a Police Officer wanted to change his joint and survivor beneficiary we have to comply with the provisions of the Florida Statute because it trumps what is in the City Code. If there is a conflict between the Florida Statute and the City Code we have to follow the Florida Statute. It is a technical amendment bringing the code into compliance with Chapter 185.

Councilman Tingom referenced Page 2, 185.16, paragraph 1, section 3; "Once a Police Officer has received a retirement check they cannot change the option after that point".

Mr. Kaufman indicated that they cannot change the option itself but they can change the beneficiary. In making a change, the new amount is actuarially reduced based upon the age of the new beneficiary.

In response to Mayor Bendekovic, Mr. Kaufman stated that the time certain cannot be changed. He noted that the Fire Plan has the same provisions; they are to Chapter 175. He has not looked at their municipal code as to what their plan provides but it would be the same thing.

There was a consensus to change the language.

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Mr. Kaufman mentioned an issue earlier in the meeting where the lady's address is not a Plantation address. You receive premium tax monies, Chapter 185 and Chapter 175, based upon the taxes that are made on addresses in the City of Plantation for car insurance, police plans, homeowner's insurance and fire plans. We need to look at the database that the State has to make sure that the addresses are actual Plantation addresses and that we are getting the monies from them.

Councilwoman Uria commented that some of the commercial properties on the east side of town have the same thing and that is money that we need.

Mr. Kaufman stated that the State of Florida Division of Retirement has a database of the addresses and we can check particular addresses to make sure.

Councilman Levy advised that they have that problem in Pembroke Park; none of the residents have their own zip code. In calling the State, they have a database of addresses for Pembroke Park and they update the data periodically in case there are any boundary changes. He is sure Plantation has a similar kind of relationship with the State, especially when you go to the 2% retirement money. That is usually distributed by zip code so it is very important that we have the correct being rebated to us. As far as the Post Office, they are going to hand out zip codes their own way and we cannot change that.

In response to Mayor Bendekovic, Councilman Jacobs stated that his zip code is 33322.

Mayor Bendekovic advised that her zip code is 33323 and she always gets Sunrise online.

Councilwoman Uria commented that her zip code is also 33323 and her mail goes to the Sunrise Post Office.

Councilman Levy noted that his zip code is 33317 but it is listed as Fort Lauderdale and not Plantation.

In response to Mr. Kaufman, Mayor Bendekovic stated that she would be more than happy to make some phone calls to check into this.

In response to Councilwoman Uria, Mr. Kaufman indicated that there is property insurance for commercial dwellings.

Mr. Morgan commented that it also has to do with the boundaries of the City and the legal descriptions. The City has a master legal description. The Post Office address does not really change the fact of how you get your property taxes. There may be some inconsistencies but as far as getting the addresses correct as far as which City and jurisdiction you are under, that is all through the town's legal description, which is done through City Council and Broward County.

* * * * *

Mr. Kaufman advised that the Fire Plan and the General Employees' Plan used to be represented by Merrill Lynch Consulting Services. Their firm brought a Breach of Fiduciary Duty law suit against them; a Class Action law suit, and they settled the case against Merrill Lynch. The other Plan Administrators should have gotten claim forms so they can get the money they are entitled to.

Mr. Morgan indicated that the forms were received.

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Meeting adjourned at 9:20 p.m.

Peter S. Tingom, President
City Council

ATTEST:

Susan Slattery
City Clerk

RECORD ENTRY:

I HEREBY CERTIFY that the Original of the foregoing signed Minutes was received by the Office of the City Clerk and entered into the Public Record this _____ day of _____, 2012.

Susan Slattery, City Clerk