

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

**February 13, 2013**

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

1. Roll Call by City Clerk:

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

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2. The invocation was offered by Councilwoman Moody.

The Pledge of Allegiance followed.

3. Approval of Minutes of Meeting – August 23, 2012
4. Approval of Minutes of Meeting – September 12, 2012
5. Approval of Minutes of Meeting – September 19, 2012
6. Approval of Minutes of Meeting – October 10, 2012

Minutes of the meetings of August 23, September 12, September 19, and October 10, 2012 were approved.

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**ITEMS SUBMITTED BY THE MAYOR**

Chief Joel Gordon and Chief Barry Stearns acknowledged the following employees and presented Life Saving Awards:

Dr. Joe Levandowski was recognized as follows:

On November 7, 2012, our Rescue 96 received a call for a child not breathing in the parking lot at 220 SW 84<sup>th</sup> Avenue, outside of a doctors office. Dr. Levandowski (sic), a Pediatric Intensive Care Physician, was

accompanying his wife to an obstetrics appointment when he observed a woman yelling for help and performing CPR on an infant. Dr. Levandowski left his wife in the office and ran outside to assist the woman. He identified himself as a physician and was given the child. He continued CPR until Rescue arrived, assisted the paramedics on scene and rode into the hospital with the patient. In route to the hospital the patient regained pulses. For his willingness to get involved in skillful actions providing this young child with the best chance for survival, the Plantation Fire Department hereby awards Dr. Joe Levandowski the Citizen Civilian Citation Award.

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Lieutenant Eric Moshe, Paramedic Peter Simone and EMT John Zalinga were recognized as follows:

On July 7, 2012, the crew of Rescue 96 responded to a 911 call at the 365 Doctors Clinic to find an adult male unresponsive, pulseless and apnic (not breathing). The crew initiated CPR and provided advanced life support care. After two minutes of CPR the patient was defibrillated, whereupon he regained pulses. Moments later the patient opened his eyes and began to breathe on his own. The crew rapidly transported the patient to Westside Regional Medical Center. Crew members also performed a 12-lead EKG and determined the patient to be having a heart attack. The outcome of this incident could have been significantly different if not for the rapid response of the crew, the rapid identification of the patient's condition and the rapid deployment of basic and advanced life support interventions. For their efforts in saving a human life, the crew of Lieutenant Eric Moshe, Paramedic Peter Simone and EMT John Zalinga are hereby awarded the Plantation Fire Department's Life Saving Award.

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Firefighter Randy Petit was recognized as follows:

On the evening of October 30, 2012, while on his way to dinner with his wife, Jill, Captain Randall Petit, witnessed a car going into the lake at Peters and Pine Island Road. Captain Petit immediately jumped into action. He quickly pulled off the road and called in the incident via his radio. Captain Petit then observed the woman struggling to get out of the car. Not knowing the condition of the vehicle or what injuries the driver might have sustained and fearing she might further injure herself, Randy made the decision to enter the water and safely remove her to the bank. For his quick actions in helping reduce further injury and harm and the potential threat to his own safety, the Plantation Fire Department hereby recognizes Captain Randall Petit with a Meritorial Service Award.

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Chief Gordon indicated that saving a life is not a chance occurrence; it is an organized, well sequenced and carefully rehearsed process that involves solid team work. From early citizens CPR, to rapid Rescue response, to early Emergency Department intervention, we are proud to illustrate in Plantation that we not only have a system designed to save lives, we have a system that does save lives.

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Chief Gordon announced that last Thursday evening the City began its celebration of our Diamond Jubilee with the opening of the Plantation Historical Museum and the wonderful book presentation by Shirley Shuler. As part of the opening, the Fire Department redesigned our museum to better tell our history in pictures, news clippings and memorabilia. We would be remised this evening if we did not acknowledge the team of Fire

Department members who worked diligently and tirelessly for the past three weeks to completely dismantle the old museum and rebuild it from the ground up in order to have it ready to open on the 7<sup>th</sup>. He recognized Firefighters Ricky Zalewski, Jillian Gordon, Matt Malo, Jackie Malesio (sic), and his wife, Sherry Gordon. He invited everyone to attend the Grand Opening on Saturday, March 9, 2013 at 10:00 a.m.

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Chief Stearns thanked Mayor Bendekovic and Council for their time. It is a great honor to recognize employees and celebrate the people living in the City, working in the City and employed by the City make such a difference.

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Sharon Kent, Parks and Recreation Assistant Director, made the following announcements:

- The Western Cup Soccer event will be held at Central Park and Pine Island Park this weekend.
- The City will be celebrating its 60<sup>th</sup> birthday at Volunteer Park on Friday, February 22, 2013 from 5:00 p.m. to 9:00 p.m.
- The next Heritage Horse Show will be held on March 16, 2013.

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Mayor Bendekovic made the following announcements:

- We would appreciate any book purchases because \$10 goes to the Plantation Historical Museum and Society. The cost of the book is \$23.31 with tax.
- The Greater Plantation Chamber of Commerce is sponsoring our 60<sup>th</sup> and Fabulous Cocktail and Reception Dinner Dance on April 12, 2013.
- Our annual celebration and parade will be held on July 4, 2013.
- The Election will be held in the City of Plantation on March 12, 2013. The Park East Country Club Estates forum will be on February 19, 2013 at 7:00 p.m. at the Jim Ward Community Center; South Plantation Homeowner's Association and Yacht Club forum will be on February 21, 2013 at Deicke Auditorium at 7:00 p.m.; Lauderdale West forum will be on February 25, 2013 at the Lauderdale West Clubhouse at 7:00 p.m.
- Please join the Broward League of Cities and President Commissioner Bobby Dubose as they help feed hungry children by filling backpacks with nutritious food at Feeding South Florida's Main Headquarters in Pembroke Park, Florida, on Tuesday, February 26, 2013 from 9:30 a.m. to 11:30 a.m. Please RSVP by February 19, 2013.
- The Broward County Property Appraisers Community Outreach events will have representatives on hand to help with Homestead and seniors and other property tax exemptions applications on Wednesdays in February 2013 from 12:00 p.m. to 2:00 p.m.
- Plantation High and South Plantation High Schools are participating in the School Dual, which is designed to award and showcase intellectual talent in South Florida High Schools.
- Plantation Farmer's Market is open every Saturday at Volunteer Park between 8:00 a.m. and 2:00 p.m.
- The Antique Show is this weekend, Friday, Saturday and Sunday at Volunteer Park.

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## CONSENT AGENDA

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

Mr. Lunny read the Consent Agenda by title.

7. Approve purchase of one 2013 Ford F150 Crew Cab from Plantation Ford in the amount of \$24,950. (Budgeted – Fire Capital)
8. Approve purchase of one 2013 Ford F150, 4 x 2 Crew Cab from Plantation Ford in the amount of \$26,050.80. (Budgeted – Engineering Capital)
9. Approve purchase of Cisco yearly maintenance at a cost of \$55,913. (Budgeted – IT)
10. Approve purchase of Cisco devices and authorize Administration and Information Technology Departments to purchase the needed infrastructure devices from Insight for \$45,470. (Budgeted – IT)
11. Approve two-year prepaid policy premium of \$18,680 with Hartford Insurance Company for 2013-2015 plan years.
12. Request for a competitive procurement exemption and to award purchase order to Ashbrook Simon-Hartley in the amount of \$178,888 for the purchase of one (1) Aquabelt sludge thickener located at Regional Wastewater Treatment Plant for equipment standardization. (Budgeted – Utilities Capital)
13. Request for authorization to execute a firm-fixed price contract between the City of Plantation and Fort Bend Services, Inc. based on the successful negotiations relating to Bid No. 019-13. (Budgeted – Utilities)
14. Request for authorization to draft/execute an agreement between the City of Plantation and Hazen & Sawyer, PC and the City of Plantation and Winningham & Fradley, Inc. based on the successful negotiations relating to RFCP 0815-12. (Budgeted – Utilities)
15. Request for authorization to piggy-back the City of Sunrise Contract for Electric Motor and Pump Repair & Replacement to be awarded to Condo Electric Motor Repair Corporation from February 1, 2013 through January 31, 2015. (Budgeted – Utilities)
16. Request for authorization to purchase two replacement Fairbanks Morse pumps for lift station 103 from Sanders Company for \$35,683.20. (Budgeted – Utilities)

### **Ordinance No. 2474**

17. **ORDINANCE** Second and Final Hearing of the City of Plantation, Florida; amending Code Section 20-74 revising criteria for Public School concurrency; providing a savings clause; and providing an effective date therefor.

### **Resolution No. 11648**

18. **RESOLUTION** of the City of Plantation, Florida, to execute an agreement for a Florida Land Stewardship Program Grant more commonly known as Parks for People.

**Resolution No. 11649**

19. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period January 17 – February 6, 2013 for the Plantation Gateway Development District.

**Resolution No. 11650**

20. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period January 17 – February 6, 2013 for the Plantation Midtown Development District.

**Resolution No. 11651**

21. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period January 17 – February 6, 2013.

**Resolution No. 11652**

22. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period January 17 – February 6, 2013 for the City of Plantation's Community Redevelopment Agency.

***Motion by Councilman Jacobs, seconded by Councilwoman Moody, to approve tonight's Consent Agenda as printed. Motion carried on the following roll call vote:***

Ayes: Stoner, Jacobs, Levy, Moody, Tingom

Nays: None

**NOTE:** Mayor Bendekovic voted affirmatively on Item No. 22.

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**ADMINISTRATIVE ITEMS**

23. BUDGET UPDATE

A memorandum dated February 6, 2013, to Members of City Council, from Mayor Diane Veltri Bendekovic, follows:

A brief presentation will be given at this week's City Council meeting to provide you with an update on the Budget.

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Mayor Bendekovic advised that the 2013 budget was prepared under challenging circumstances. In the past, reserves were used to balance a budget and by doing this it gave relief and had minimal financial impact on our residents during one of the worse economic downturns; however, the City was still able to deliver quality services. The City's revenues dramatically decreased by 20.1%; at no time Public Safety was ever jeopardized, nor will it be. Plantation's road to economic recovery has been rougher than expected and has lasted much longer than hoped. It will take time to recover and the acceptance of a new norm. It is the responsibility of the Administration to deliver a balanced budget to the Council. The Council had to make some critical decisions and tough choices during the budget process. As part of being transparent Administration scheduled four informational Workshops, has always had an open door policy to all of the City's Directors, and provided options to revenue increases and expenditure decreases. In addition, the Council has access to the City's z-drive

to review monthly finances. When the final budget was approved it had the residents, businesses, and General Employees making sacrifices. Council chose to take the initiative to sustain and maintain our hometown, Plantation. At our last meeting on January 23, 2013 we had an informational Workshop on Strategic Planning, which will be followed on February 27, 2013 with a Priority Based Budget Workshop. The presentation will show some budget highlights and address budget variables and update some of the shortfalls we are looking at for the coming year.

#### Introduction:

#### Going into this budget season ...

- Difficult choices were ahead.
- Reserves can no longer be used to balance budget.
- Cannot rely only on incremental increases in property values.
- Need to find:
  - \$10.1 million to balance budget (This \$\$ was amended to \$9.3 million in July 24, 2012 presentation).
  - \$4.1 million for general obligation bond underwriters.
  - \$1 million designated capital.

#### Reserves no longer available:

As of today, unassigned reserves are approximately \$865,000. We do have \$25 million in reserves but they are assigned, restricted and committed.

#### Pension Costs:

This was given at the January 11, 2013 while looking at the benefits of all our employees.

- Pension costs for fiscal year 2013 increased by \$1.4 million.
  - \$50 employees.
  - Pension costs totaled \$4.96 million (\$9,018/per person)
  - Increase of \$800,000.
- FOP
  - 137 employees (164 in FOP; 27 already in DROP).
  - Pension costs totaled \$6.07 million (\$44,300/person)
  - Increase of \$600,000.

This is a draft and will be presented at the February 28, 2013 Police Pension Board meeting and at the March 5, 2013 General Employees' Pension Board meeting.

#### Pension Costs – Fiscal Year 2014

- FOP Update:
  - 114 contributing employees.
  - Pension costs total \$6.985 million (\$61,280/person)
  - Increase of \$935,000.

- 67.8% payroll costs for Police Department go toward Pension.
- Fiscal Year 2014 General Employee Update:
  - 494 employees.
  - Pension costs total \$6.035 million (\$12,217/person).
  - Increase of \$1,065,643.
  - 25.8% payroll costs for General Employees' go toward pension.

Expenditures by department:

- 46% of the total general fund comprises the Police Department.
- Ad valorem revenue does not even cover the Police budget.

Mr. Shimun continued with the presentation as follows:

April 2012 – going into budget season:

Revenues were listed that were anticipated for this current fiscal year, which totaled about \$76 million. Expenditures were also outlined for this current fiscal year, which total about \$85.5 million leaving us with about a \$9.3 million shortfall.

Options were given as to how we were going to make up the over \$9 million gap in order to balance the budget this year. Options were given all the way from millage increase, which till gives a \$9.3 million deficit, to a mill and a half, which gave a very modest surplus. Council chose the one mill increase, which left us \$2.8 million in the hole for the fiscal year.

Expense reductions:

- Three furlough days (City closed Thanksgiving week) for a savings of \$249,000.
- Plantation Community Center at Kennedy Park for a savings of \$272,000.
- Plantation Tram for a savings of \$220,000.
- Privatization of departments/functions.
- Cut 30-100 additional positions to save significant amounts of money.
- FOP collective bargaining negotiations. (ongoing)
- Wage reduction. (5% - 10%)

Revenue enhancements:

- 1.5 mill increase.
- 1.0 mill increase, which increased our revenue \$6.5 million.
- Increase in taxable value, which netted \$468,000.
- Public safety impact fees, which will net about \$100,000.
- Commuter fees.
- Real estate surplus (non-recurring – shortfall for coming year) for an additional revenue of \$932,180.
- Permit fees to net about \$525,000.
- Utility tax for \$1.3 million.

- Fire assessment fee for \$3.2 million.

Two unanticipated revenue sources came in:

- Upon choosing the disposal company for trash we were awarded a loyalty reimbursement (non-recurring) of \$500,000.
- Florida League of Cities gave us a reimbursement (non-recurring) for \$248,000.

Future Revenue (fiscal year 2014)

- Storm water fee
  - \$30 per year (\$2.50/month)
  - Additional \$500,000 per year

Anticipated property value increase:

We are hoping that a lot of new properties coming online will be on next year plus we are hoping that the economy continues to improve and that it will have some increase on the value of homes in general. If property values go up by inflation there is an automatic rollback that the State imposes upon us on our millage rate to take that money back away from us so something would have to be done with the millage rate in order to keep that increase.

Business license tax increase:

Additional \$36,000 per year, which we did not do.

Fire assessment:

There were two options of \$80 per year or \$100 per year that would have netted \$3.2 million or \$4 million per year, which we did not do.

Today's \$3 million "shortfall":

- Property sale – one-time, non-recurring revenue netted at \$883,000.
- Furlough days – all General Employees except FOP.
- Budget shortfall from not eliminating tram or closing the Community Center.
- Proposed increase in health benefits.
- Impact fees - \$800,000 parks, \$100,000 public safety (public safety not implemented yet).
- Charges for services budgeted estimated date to be implemented 02/01/13 - four-month loss.

This leaves us between \$2.6 million and \$2.9 million in the hole.

- Proposed Police pension increases – 144 members (draft actuarial report).
- Proposed General Employees' Pension increase – 494 members (draft actuarial report).

This leaves a grand total of somewhere between \$4.6 million and \$4.9 million that we are going to have to come up with this fiscal year in order to balance.

In response to Councilman Jacobs, Mr. Shimun indicated that we currently have a balanced budget but a lot of information was one-time revenues or non-recurring revenue. We have to make that up again next year plus add on the expenses of additional healthcare and pensions.

Councilman Jacobs commented that as it looks right now, we will have a \$4.6 million to \$4.8 million shortfall in next year's budget.

Mr. Shimun replied affirmatively.

Councilman Levy stated that this needs to be reviewed. These are projections and steps will have to be taken so this does not occur. Relative to what is going to occur again; the three-day furlough and things like that may happen. One thing he is still pursuing is the cost of health insurance and the fact that some cities are not paying for the employees' dependents. We need to look at that because that is millions of dollars that we pay as an employee benefit. There are various things we need to look at for next year's budget. Council is waiting for Administration to come up with ideas and solutions and not just say, "This is it, this is the crisis we are having". We need to come up with ideas to prevent this from happening; we have between now and October 1, 2013 to make these changes. Taxes were increased this year because they were told that would be sufficient. Various options were provided and people in the community made their voices known. We are reviewing the trolley/tram; that may or may not continue. If it does not continue that would be a \$220,000 savings. We need to start considering these ideas; not wait until the crisis and then decide. Decisions were made based on information known at the time and we need to continue doing so on an ongoing basis.

Mr. Shimun stated that is why we are doing Strategic Planning and why, at the next meeting, there will be a presentation on Priority Based Budgeting, because we are shifting from the current way we do budgeting and determining what we are going to do on behalf of the residents to priority base, which means Council will be working very hard along with staff to choose those priorities. That is how we are going to trim this budget where it needs to be.

Mr. Levy indicated that he is going to rely on the Department Heads and the expertise of the people we have to give advice on what they can prioritize.

Councilman Jacobs questioned whether this was being presented as part of the process and not as a crisis.

Mr. Shimun responded affirmatively. He stated that there has been some question about a comment made about us entering the next fiscal year millions of dollars behind and this is to show you where those figures come from and how we will have to address it.

Councilman Jacobs, Mr. Shimun advised that the next step is the Workshop on Priority Based Budgeting and when the Strategic Plan comes it will mesh in.

Councilperson Stoner commented that she thought Council set or approved the rate and Administration makes the adjustments and live within the budget.

Mr. Shimun indicated that Council chooses the priorities and that is what they follow.

Councilperson Stoner believed that was the reason we have a strong form of Mayor. We gave you a budget and you live with it and figure out how to make those dollars work.

Mr. Shimun stated that if you want to go to program base budgeting, which means you give us a certain amount of dollars and we figure out how to do that; that is an alternate that he does not think should be done.

Mr. Lunny advised that the items that were identified were brought back to Council for action. He believes that in the past the Council wanted to be more involved and has been.

Councilman Jacobs commented that is a methodology that can be adopted and say, "This is the amount of money we have and run the City on it". He questioned who is going to make the decisions on what services and what level of service gets cut. He questioned whether that should be delegated to staff.

Councilperson Stoner noted there is so many dollars to run the City on. She mentioned two vehicles that were on the agenda and questioned who determines, when it comes down the line and comes on the agenda, that we have to adjust the budget; we have to hold off on the truck or whatever. Council has been told for years that the budget is not etched in stone. Just because it is in the budget does not mean you get to spend the money if we do not have the money.

Councilman Jacobs stated that certain items are listed as budgeted.

Councilperson Stoner indicated that just because they are listed as budgeted does not mean to spend it.

Mr. Shimun advised that this year it is balanced; everything approved is accounted for. It is next year when we do not have the recurring funds and we have those additional costs that enter in that we will not have a balanced budget. This year we are balanced and we are spending the way that Council requested.

Councilperson Stoner questioned why the tram and the Community Center are back.

Mr. Shimun stated that we had anticipated not doing those; those are additional expenses that have to be added back into the budget.

Councilperson Stoner mentioned that even though the tram was actually part of this year's budget it never got pulled from the budget; it was part of the approved budget.

Mr. Shimun indicated that it was presented to Council last year.

Mr. Lunny advised that when the number was adjusted the number was 1.5 mills to take care of everything. At one point and time Council indicated to Administration that you did not want to do that and consider these other things. They thought there was a consensus subject to hearings that that would take place. When the hearings were done those approvals did not get done. If Council wants to set a number and have the Administration execute that, the strong Mayor can do that but he believes that is a change in culture that the rest of Council would be upset about.

Councilman Jacobs noted that would be going back 20 years.

Councilman Levy stated that this year we have a balanced budget and we are not going to October 1, 2013 with a \$3 million deficit; is that what you are saying?

Mayor Bendekovic commented that it is all about next year.

Councilperson Stoner indicated that was not what was said at the meeting; you said we were starting the new budget year \$3 million in the hole. Nothing was clarified to anyone when clarification was requested. When pushed a little further for clarification as to whether we are in a financial urgency or bankruptcy situation the comment came back as, "Hopefully not, all we have to do is fill out the paperwork".

Mayor Bendekovic advised that the new budget year will be 2014. This is all about Collective Bargaining.

Councilperson Stoner noted that that comment is public record.

Mr. Shimun stated that he did not believe this was an appropriate forum to discuss this.

Councilperson Stoner commented that it is part of how we got to this presentation.

Mayor Bendekovic advised that verbatim minutes were provided at that time and she believes that this is going to go into Collective Bargaining.

Councilperson Stoner indicated that another thing she recently found is that she is concerned about the lack of communication to Council.

Mr. Shimun stated that he asks Council before any meeting if they have any questions about the agenda whatsoever.

Councilperson Stoner noted that there is a difference between asking if she has a question from a blocked cell phone number.

Mr. Shimun advised that he identifies who he is and leaves a number where he can be reached.

Councilperson Stoner commented that she is not answering blocked calls anymore; everybody in this City has her phone number.

In response to Mr. Shimun, Councilperson Stoner advised that she always does her own due diligence.

Mr. Shimun noted that she does not ask anyone who has the information.

Councilperson Stoner indicated that most of the time all she receives is piece mill information. When Mr. Shimun was hired she requested to see a copy of his offer letter. At the time, she got an offer letter that consisted of a memo from the Mayor to Human Resources. At that point she was told that he was supposed to be a General Employee and the reality was that you got extra time off.

Mayor Bendekovic explained that when Mr. Shimun or anyone else in the City was hired as a Director it comes to Council. During that time we were negotiating the fees that he would be hired at and it was determined that he would get the initial salary of \$117,000 along with a car allowance. He also received one executive day due to the fact that he no longer gets the executive package, which was canceled many months before he was hired. At his six-month review, after discussion, he received a salary adjustment of \$3,000. There is nothing that has not been transparent. Other documentation has been requested for all of the directors and it has been provided. Her intent is not to hide anything and she has tried to be very transparent. Workshops have been provided at which time revenue and expenditure options were given. When the possibility of where the millage was she said that she would pick and choose and bring it back to Council. Two of you voted against the budget and five

voted for the increase in the millage, which was greatly appreciated. As far as discussing department heads, the door is open and she will be happy to address any questions. There are no culvert operations in this Administration. She does not feel that this is the appropriate time or place to discuss directors.

Councilperson Stoner advised that Council was not informed that Administration's offer contained an escalation three months after Mr. Shimun was hired. He came in on November 27 and got a raise on April 1 of 2.7%. No other General Employees got raises. Council was told that Mr. Shimun was a General Employee, nothing more. The point of the comment is that she feels that this Council is spoon fed information as it is convenient and only when someone digs and asks information ten different ways do we manage to put the puzzle together. In her opinion, that is unacceptable. We do not find out about furlough days until after the fact; we do not find out about employees being dismissed until after the fact. It is a continual succession of non-communication. You mentioned z-drive access; she does not have access to a z-drive for financial reports.

Councilman Levy was not aware of having access to the City's z-drive.

Councilman Tingom stated that Information Tech provides that access.

Councilperson Stoner has requested access to the z-drive and she does not have it.

In response to Councilperson Stoner, Mayor Bendekovic advised that the z-drive can also be accessed from your I-Pad.

Councilperson Stoner emphasized that she has a problem with the communication. While the Mayor has been exceptional in trying to respond and provide information, she believes on many occasions it is selective. When Council has to find out that someone new we brought in is not really being treated as we thought, she is thinking what else has not shown up yet.

Councilman Levy commented that eight employees were let go and Council found out about it in the newspaper.

Mayor Bendekovic stated that one of the slides indicates that we could release 30 to 100 employees and we had to lay off five of those employees.

Councilman Levy noted that it would have been nice if Council had known about it prior to being informed by a report that it had happened. They understood in generic principals when the budget was developed; you said, "If we did not do this that would happen". Well, it would have been nice if you would have said that it was happening instead of them hearing about it after the fact.

Councilwoman Moody indicated that this was the first she heard that Mr. Shimun got a raise; he was the only one in the City that received a raise.

Mayor Bendekovic clarified that it was not a raise; it was a salary adjustment at 90 days. It was part of the negotiations that raised him up to \$120,000 which is what Dan Keefe was making.

Councilwoman Moody reiterated that this was the first she heard of the raise and noted that she also read in the paper that we going to be \$3 million in the deficit. She believes that her colleagues are correct; we are not hearing a lot of things from Administration that we probably should hear. Yes, Mr. Shimun calls and leaves a message asking if there are any questions relating to the agenda. It seems that it is things that are not on the

agenda that Council gets surprised with. Back to the shortfall and back to the property, she questioned the hold up.

Mr. Lunny advised that the City has been informed by some residents in the Acres that the Homeowners' Association might want to pursue some sort of foundation to purchase the property and also that there might be a possibility that P.A.I.D. might purchase it. They wanted to allow some time to see if that was feasible or not. There is a calendar time they intended to write those and inquire as to how things are coming along because it was thought that good governance might be to have that property remain in a passive and undeveloped state if that was at all feasible. That was an Administrative decision to shelf that and give those residents an opportunity to pursue those two options.

Mayor Bendekovic added that they were not aware of this until now because they were waiting for the appraisal of the property. She heard during a Homeowners' Association meeting when John George said they were looking into some type of a foundation. She also heard that P.A.I.D. might be interested in the property for wetlands and drainage. Letters have been written but have not yet been sent out because she is waiting on an appraisal and other issues that were involved in that piece of property.

Councilwoman Moody believes the estimated price is way too low; we could parcel that land one acre each and sell it ourselves.

Mayor Bendekovic stated that the \$883,000 is different from what we showed you previously due to the fact that the Administrative costs were taken out.

Councilwoman Moody mentioned that she and Councilman Levy never said that they wanted to let anyone go; even when it was on the slide; none of us ever said that. We always said we would rather change benefits than to let people go. We have never been given that option. When you say the executive package has changed there should be something coming before Council to sign that the executive packages should be changed.

Mayor Bendekovic advised that it was a resolution that was brought before the Council. Council approved it because the only ones that got the executive package were the ones who were grandfathered in. From this time on, no one else gets it. No one from October 2011 has gotten an executive package.

Councilwoman Moody indicated that certain departments could be privatized. If a request for proposal is sent we can put in there that whoever is awarded the contract should consider our employees. We are not going to change the budget until we change the way we do business. We have a budget that is 75% personnel costs and that is what needs to be changed. She commended the FOP; at least they are willing to do something now. Until major changes are made as to cost of how we deliver these services we are going to face this every year. She questioned how much more land we need in the Acres. We have five acres in the north part; 88 acres in Volunteer Park; five acres on 8<sup>th</sup> Street; and a south Acres park. We have to start making some tough decisions. If P.A.I.D. purchases the property they are going to charge the residents.

Mr. Lunny stated that last week with the idea of trying to have a program based review of how the City is run he thought was responsive to the Council's desire to undertake that process. Some of you are asking that we do a functional or operational review. A program base review was being discussed so we can get to the core services and try to drill down a little deeper so that it can be reviewed more formally than perhaps some of you may have in the past. He is hopeful that if this process is undertaken all of Council will be more satisfied. Everyday he is asked what goes to Council and what does not and it is discussed as staff. Our decisions are executed as much as possible. The City is a large enterprise and a complicated enterprise. You cannot be

expected given your position and time schedules to fully remember everything. There is an effort to get information and be collaborative. Sometimes it does not work out that you are always as satisfied as we wish you to be but they are doing the best they can.

Councilwoman Moody mentioned the core services and noted that the government's role is public safety and infrastructure.

Mr. Lunny commented that the City has to run. If the Council wants to say to the management team that is all they want to do and that is all they are going to pay for then that will happen. It is not productive to have general concepts or statements anymore because we have tried that for the past many years. Mr. Shimun and the Mayor are strong advocates of this new process and they are trying to do something different. If everyone takes a thoughtful and intense review of this program based budgeting maybe it will be more efficient. He thinks that Council's message has been heard and he knows there is a good faith effort to be communicative and to share information. It has to be a collaborative effort.

Mayor Bendekovic referenced Councilman Levy's question on prioritizing; the Department Heads to prioritize it for you and you can look at the range and see what you want taken out of the range. Each one of the Department Heads will have it all prioritized when it does come before Council.

Councilman Levy stated that we will have to rely on their expertise.

Mayor Bendekovic indicated that is why it is so important; because they prioritize the programs within their departments and Council can look at them and see what they feel is important and less important. You might choose to pull the ones that are lower tier and it will be a collaborative among the Council and Administration. She believes that you want government to change somewhat and this will help tremendously for each of you to understand where those programs lie on that scale.

Councilperson Stoner questioned the time certain for the response for the property.

Mr. Lunny advised there is none. He learned towards the end of calendar last year that there were two expressions of interest. One was that the homeowners may want to create a foundation and do some fundraising and the other was that P.A.I.D. might be interested to buy the property. That caused us not pursue this other option and give some time to see what happens. If we do not hear anything from those two people, on April 1, 2013 a letter will be sent giving them until June 1, 2013 to tell us where they are and see whether or not that is feasible. It is his understanding that those efforts are underway.

Mayor Bendekovic stated that she took it to Legal because she had heard the conversation at either the October or November Homeowners' meeting. She wants to give them the opportunity to do that if they wish. We will be getting an appraisal. We have received several phone calls from different entities that are very interested in purchasing the property; however, we are not going to acknowledge any of that until we hear from the homeowners and P.A.I.D.

In response to Councilman Levy, Mayor Bendekovic advised that the FURDAP grant was mentioned last night and Priscilla Richards and Sharon Kent are looking into that.

Councilman Levy indicated that they are taking applications through June and if so, they will fund it over the summer. It all depends on what the Legislature allows.

Mayor Bendekovic commented that we questioned our lobbyist if there is anything environmental, etc. whether we could possibly have some funds for that property.

Councilman Levy stated that he does not want to sell the property. If there is any possibility of keeping it as a public preserve he truly feels that would be his priority. He stated that he would work very hard for that to happen so that we do not have tract development and things like that in the Acres. They feel the rezoning would be three homes per acre.

Mayor Bendekovic explained that we went out for the appraisal and it was very difficult to find an appraiser that could appraise that property. We requested one-acre and three-acre tracts. Builders have contacted us that are interested in two per acre; we have had other people calling just to see if the property is for sale and they have been told that it is on hold right now. We want to pursue the other avenue first.

Councilman Levy suggested pursuing the other avenues and see where we stand.

Mr. Lunny noted that perception might have come up because we were starting the process of amending the comp plan and it was his suggestion to staff that we go three per acre because we would only have to advertise once and if Council decided to back that down to two or one it would not have to be re-advertised. There was some discussion within staff about whether it would be three, two or one and we probably would have started the process and then Workshopped early and then gone back and fixed it. These comp plan amendments are on a cycle and he thinks that may have been why three was out because there were documents that said three per acre. He does not know where staff is with that process or it got shelved for the time being.

Mayor Bendekovic advised that it was shelved.

Councilwoman Moody commented that the worst thing would be three per acre; it should be one per acre. If that is done there will only be nine homes, which will not be a disaster. If we could keep the land that would be great but nine homes is better than changing it to community facility property or something like that.

In response to Councilman Tingom, Mr. Lunny indicated that zoning is community facility; he does not know what the underlying district was when it went to community facility.

Mayor Bendekovic stated that we did a trade because there was supposed to be a school in that location; we flipped with the School Board.

Councilperson Stoner questioned if this priority based spending presentation is coming back in departments.

Mayor Bendekovic advised that an information Workshop will be done and it will be brought back to Council after April because there will be other Council members or returning Council members, depending on how the election goes. To start by department by department before that would not let new Council in on that priority based program. They were going to start with the smallest department first and then build up to the largest department.

Councilperson Stoner questioned how we determine that when we have over 70% personnel costs. How do we determine the priority of a department versus the benefits package, which is our biggest financial impact?

Mr. Shimun explained that the premise behind it is to determine the core services and to eliminate those that are not core services. Since the majority of our budget is personnel that means you are ultimately eliminating people and that is how you get the savings.

Councilperson Stoner questioned whether we would cut benefits before looking at getting rid of employees.

Mr. Shimun stated that we will look at everything and then determine the costs for that or the costs will be determined by that and then we can look at alternatives.

Councilperson Stoner questioned the confidence level in achieving some cost cutting measures that do not affect services and/or employees before getting into the 2014 budget year.

Mayor Bendekovic clarified that Councilperson Stoner wants to look at benefits and pensions prior to starting the priority based budgeting.

Councilperson Stoner indicated that there must be a plan somewhere along this year other than the priority based of other things you think are not necessary based on lack of revenue.

Mr. Shimun advised that we currently have a balanced budget for this fiscal year.

Councilperson Stoner noted that Administration is asking everyone to be proactive and she is asking if their thought process is going to be proactive before we get there and then we are in the hole.

Mayor Bendekovic stated that we can do priority based but if we need to include the benefits and everything within each department, you want it cumulative not department by department, which is the priority.

Councilperson Stoner believes it should be cumulative because the cumulative package affects each department.

Mr. Shimun indicated that part of the benefits is part of the FOP negotiations; that was at the standard for the rest of the employees.

Councilperson Stoner advised that there are different classifications of employees and one of the things she requested last year was to look at the General Employees' package and benefit packages of new employees versus existing. She questioned whether any new employees have been hired this year.

Mayor Bendekovic commented that she would get that number tomorrow.

Councilperson Stoner believes we should address benefits for new employees first.

Councilwoman Moody has been saying it for six years but she will not be here.

There was a consensus to look at the new employees' benefits as well as for spouses and families.

Councilperson Stoner questioned the confidence level.

Mayor Bendekovic stated that hopefully the ad valorem will go up and some of the other issues will diminish. That is why we are starting the process so early.

Mr. Lunny commented that we cannot do what happened last year and that is come to a general consensus on a number that has certain assumptions about what is not going to be there and then when it is time to execute those decisions not execute them. He thinks that is one reason Administration is trying to do this the way they are. That way if certain decisions are made during this priority process we can get those hearings accomplished before September 30, 2013 so we can make sure we are all on the same page in terms of having finally completed the matter. He cannot answer what the confidence level would be because it truly has to be a collaborative thing. Even though he fully understands what a strong Mayor can and cannot do, he also understands the culture of the City and the collaborative desire of all of you to be involved. It depends on who is here and whether we get three one night and four on another night. No one can answer that precise question until we are done with the process.

Mayor Bendekovic mentioned that this is the first time we are doing it this way and she hopes that we are going in the right direction.

Dennis Conklin, resident, was present. He congratulated Council and Administration for holding this meeting at this time of the year. He has encouraged the City to do this for many years. He liked some of what he heard and encouraged that the systemic way of business has to change. He suggested immediately terminating the defined benefit plans for the pensions to stop the accrual and immediately institute a defined contribution plan so you know exactly what the expenses are. This year has already had two or three weeks where it has been a four-day week for the City. He encourages the City to go to a four-day week of eight hours, not ten hours, and to make the day off Monday, not Friday, to allow further savings because of holiday pay. The only thing that is going to save the employees is to go to a defined contribution pension plan.

Mr. Lunny advised that this comment is made every week and there is never any real response to it. The management of the City has heard this comment. If the City terminates its pension plans those liabilities roll up and the financial consequences of doing that with the recent experience with both the equity and fixed income markets and the assumptions and wage rates we have and the benefits profiles would result in an immediate and drastic negative position. At one time we wanted to cost that out and there was an estimate on what that number would be and it was decided not to pursue the matter in that fashion and that is when we went to the double tier, trying to approach this topic in a more formal and thoughtful way. For the citizens who continue to hear this comment without a response and who do not understand the math and how the systems work, you can summarily terminate those plans but the best possible time to terminate them is when the markets have been healthy for a while, when the benefits are not the same and not to do it at times that the inverse is true. While the person is making those comments as a matter of business and as a matter of fact, it would be an unwise management practice to do it now and that is why it has not been done. He is sure that anyone that understands those plans and understands the system and has been involved in management of this City understands those facts. At some point and time someone has to say to Mr. Conklin, "We have heard you, we respectfully disagree with you and are not going to discuss this further with you".

Councilman Tingom concurred with Mr. Lunny. He understands pensions and if we were to terminate these plans we have to fully fund them 100% and it would cost the City millions of dollars to do so. The tier two plan, which was placed into effect several years ago, starts to correct what was going on before. His point is that terminating the plan right now is not realistic financially.

Mr. Conklin stated that the reason these plans are in this condition is because the current benefit is 82.5% of pay; that is a paycheck minus what is taken out for FICA and Medicare. When people retire they are in the top end of their bracket and the person hired to fill that position is actually getting paid less than the person retired.

There are three layers of active retired people and that is what is causing the problem. The two-tier system, over 30 years, only saves 1.85%.

Rico Petrocelli, resident, was present. He mentioned that one of the things Councilperson Stoner said last year was, "I will go along with this but you have to prove to me that you are not going to do it again". When we got to a certain point of cuts during the last budget there was a countdown. What happened was that the FOP had made a number of suggestions in the millions of dollars that were never really looked at during the last budget process because it stopped when it got to where you wanted to be with the millage rate of the one mill. We need to look at those things now and go forward. Councilperson Stoner is right when saying we need to be proactive. The only two options are cutting health benefits or eliminating employees. Privatization will only get you so much. He agrees that there is no communication; it has to be drawn out by Administration. Council is getting damaged because they are not informed and have to make decisions without all of the information. Take advantage of what the Union offered last year in cuts and go below so you are not looking at this year after year.

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## LEGISLATIVE ITEMS

Mr. Lunny read Item No. 24.

### **Ordinance No. 2475**

24. **ORDINANCE SECOND AND FINAL READING OF RELATING TO THE SUBJECT OF MASSAGE; AMENDING THE ZONING CODE TO UPDATE ZONING REGULATIONS AND DEFINITIONS FOR MASSAGE ESTABLISHMENTS TO BE CONSISTENT WITH STATE LAW AND REGULATION; AMENDING THE USE REGULATIONS IN THE SPI-2 ZONING DISTRICT TO MAKE MASSAGE ESTABLISHMENTS A CONDITIONAL USE WHICH IS ALLOWED ONLY IN THE HCS; HEALTHCARE SERVICES SUBDISTRICT, HC; HYBRID COMMERCIAL SUBDISTRICT, AND THE PO; PROFESSIONAL OFFICES SUB DISTRICT; AMENDING THE CITY'S OTHER ZONING USE REGULATIONS SO AS TO MAKE MASSAGE ESTABLISHMENTS A CONDITIONAL USE WHICH IS ALLOWED ONLY IN THE B-2P CENTRAL BUSINESS DISTRICT, B-3P GENERAL BUSINESS DISTRICT; AND THE SPI-3 DISTRICT; UPDATING AND AMENDING THE CITY'S BUSINESS REGULATIONS PERTAINING TO MASSAGE ESTABLISHMENTS AND MASSAGE THERAPISTS TO MAKE SAME MORE CONSISTENT WITH STATE LAW AND REGULATION; PROVIDING THAT APPEALS FROM THE DENIAL, REVOCATION, OR SUSPENSION OF A LOCAL BUSINESS RECEIPT TAX FOR A MASSAGE THERAPIST OR MASSAGE ESTABLISHMENT SHALL BE MADE TO THE BOARD OF ADJUSTMENT; PROVIDING A DEFINITION OF PUBLIC NUISANCE IN CONNECTION WITH THE FOREGOING; PROVIDING FINDINGS; PROVIDING A SEVERANCE CLAUSE; AND PROVIDING AN EFFECTIVE THEREFORE.**

A memorandum dated January 28, 2013, to Mayor and Members of the City Council, from Donald J. Lunny, Jr., City Attorney, follows:

As background, attached to this memorandum as Composite Exhibit "1", please find a copy of the Staff Report and draft Massage Ordinance presented at the City Council Workshop. As indicated in the Workshop memorandum, the draft ordinance included provisions from 2012 adopted State law designed to discourage human trafficking.

The ordinance proposed was approved at First Reading on January 9, 2013. On January 16, 2013, the Criminal Justice Subcommittee of the Florida House of Representatives adopted two (2) amendments to pending HB 7005 which proposed *additional* regulations of Massage Establishments in view of Human Trafficking. A copy of this Bill and Staff Report; therefore, are attached as Composite Exhibit "2". The revised Bill caused Staff to propose changes to the pending Ordinance for Section Reading, which is attached as Composite Exhibit "3". The changes are **highlighted in green**, as follows:

1. Modify the allowed hours of operation for Massage Establishments. Previously, the Ordinance prevented Massage Establishments from being able to operate between 10:00 p.m. and 8:00 a.m. In the current draft, and consistent with proposed State law, Massage Establishments would not be able to operate between the hours of 10:00 p.m. and 6:00 a.m. The Ordinance contains the same clarifying language as the State law concerning its scope (see lines 719-736, pp. 16-17).
2. Prevent Massage Establishments from having as an ancillary use a principal place of domicile (see lines 747-751, pg. 17) and making any such establishment a nuisance (see lines 760-766, pg. 17).

Other clarifying changes to the draft Ordinance for Second Reading are **highlighted in yellow** and are designed to make the regulation more workable.

The Ordinance is now ready for consideration at Second Reading.

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Councilperson Stoner questioned if there is anything that would prohibit the appeal instead of going to the Board of Adjustment coming directly to Council.

Mr. Lunny advised that often the denial of a business receipts tax normally gets made to Council because it is simply a business license type regulation. Since we folded in Zoning requirements and Police requirements we felt it would be more appropriate to go to the Board of Adjustment where the meetings are not televised, where the matter would be easier to talk about without embarrassment with children in the audience.

In response to Councilperson Stoner, Mr. Lunny indicated that they cannot come back to Council; they would seek judicial review in accordance with law if available.

***Motion by Councilwoman Moody, seconded by Councilman Tingom, to approve Ordinance No. 2475. Motion carried on the following roll call vote:***

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

\* \* \* \* \*

Mr. Lunny read Item No. 25.

25. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE PERTAINING TO VOLUNTEER FIREFIGHTERS' RETIREMENT PLAN BY AMENDING CHAPTER 18 "PENSIONS AND RETIREMENT", ARTICLE III "VOLUNTEER FIREFIGHTERS", SECTION 18-81, "NORMAL RETIREMENT BENEFIT"; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

A memorandum dated January 24, 2013, to Mayor Bendekovic and Members of City Council, from Quentin E. Morgan Board Attorney, follows:

Please find the attached ordinance which establishes a multiplier increase from \$50 to \$60 as recommended for approval by the Volunteer Firefighters' Retirement Board. The ordinance will amend Chapter 18; subsection 18-81(a) to provide future retirees with an increase in their minimum retirement benefit. The benefit was last increased in 2006. This Amendment will be retroactive to October 1, 2012.

As of its last actuarial valuation the Plan had a funded ratio of 136%. This amendment will bring the funded ratio to approximately 126%.

Should you have any questions concerning this matter, please do not hesitate to contact me.

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Councilman Levy questioned why we are doing this. It would appear from the title that we are increasing a retirement benefit.

Mr. Lunny indicated that the Firefighters' Retirement Plan and the Police Officers' Retirement Plan both fall under statutory chapters, which have provisions relating to conditions of receipt of money from the State that fund those plans. Those monies typically are designed to pay for benefits that are in excess of the State minimum thresholds. Obviously our volunteer plan is much different than the normal Firefighter profile because of the volunteer aspect of our firefighters. This is designed to try to increase those benefits in light of that law but also in a way that still leaves the plan having a surplus from the math calculation discussed earlier. He knows that there was movement last year for the first time and how consistent with what we have advocated at State level that statute should read and now there is a Bill pending to undo that and even push it the other way. Sometimes these plans are not entirely within the City's control to fully manage but the way our plans are run with the Council defining the benefits and the Council being required to approve the assumptions, we go as far as we can.

Councilman Tingom advised that the original problem was the fact that the Firefighters' Pension Plan was consistently funded at 110% to 120%.

Mayor Bendekovic stated that currently it is 136% and that is why it was changed down to 126% because of the fact that it was funded at 136% and we were going to get penalized. The public has to understand that this is completely funded by the 175 money and there is no contribution from the City.

Councilman Tingom noted that the ordinance says that if it drops below 115% the benefits are withdrawn until it gets above that point. They have been working on this for four years.

Mayor Bendekovic indicated that in order to get the credits the firefighters have to answer 50% of the fires in the City of Plantation. It is all funded through the State with the 175 money.

Councilwoman Moody commented that the fund is funded at 126% and it cannot get better than that.

Dennis Conklin, resident, was present. He stated that when transitioning from plans you try to do it when the market is better and when the plan is in better shape. He has been proposing his suggestions for several years. As pointed out earlier, the Firefighter Pension Plan is funded at 136% and this would be a possible ideal time to convert this from a Defined Benefit Plan to a Defined Contribution Plan.

Councilman Tingom suggested that Mr. Conklin read Chapter 112, 175 and 185. There are some limits in the Florida Statute.

Mr. Conklin mentioned that the State is also trying to make adjustments to their plans, shifting away from Defined Benefit Plans towards Defined Contribution Plans to maintain sustainability of the plan for those trusted and faithful servants.

***Motion by Councilwoman Moody, seconded by Councilman Levy, to approve Item No. 25. Motion carried on the following roll call vote:***

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

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**QUASI-JUDICIAL CONSENT AGENDA – None.**

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**QUASI-JUDICIAL ITEMS**

26. REQUEST FOR SIGN SPECIAL EXCEPTION FOR TD BANK LOCATED AT 1 NORTH STATE ROAD 7.

***Motion by Councilman Jacobs, seconded by Councilman Tingom to continue Item No. 26 to the March 20, 2013 meeting. Motion carried on the following roll call vote:***

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

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**COUNCILMEMBERS' COMMENTS**

Councilperson Stoner referenced the February 7, 2013 PAC meeting at which time the Fashion Mall presented a revision to their site plan, which was screening to their rooftop air conditioning units that previously did not exist. This was approved subject to a unified control agreement and some additional staff comments. They formed a single purpose entity for the purpose of financing and need to close by the end of this month. She requested that approval of the unified control agreement be placed on the next agenda.

There was a consensus to place the unified control agreement on the next agenda.

Mr. Lunny advised that the Administration has a number of items that are going to be on the next agenda and it was already closed. Also, this meeting was already closed but one of the items that was going to be on this meeting, because of some County action, ended up being rolled to the next meeting. Council needs to understand that they will be here for some time and this item will likely also take some significant amount of time.

In response to Councilman Tingom, Mr. Lunny stated that the negative benefits of not hearing this item on the next agenda is that this particular transaction they are trying to pursue may not be able to be pursued. While he exercises considerable authority for the City, he is uncomfortable and does not think he has the authority to approve their request; therefore, it has to come before Council. While he and Mr. D'Arelli are working hard to narrow the issues, there are some basic issues that need to be passed on and it will take some time as it involves some policy considerations. In some respect it is a little like the Westfield Broward discussion.

Councilperson Stoner believes that it behooves us to help them finalize and close on their loan transaction to continue their improvements on a timeline schedule. She feels that pushing it back a month creates a real issue.

Councilman Tingom questioned whether this is going to be like before when permits are pulled and no action takes place. He is willing to stay at the meeting as long as possible as long as there is a guarantee that this permit pulling and construction and demolition would begin by a date certain.

Councilperson Stoner indicated that this is on the office building, which is an entirely different issue.

Mr. Lunny advised that a date certain will not happen. The plan review process that needs to place that no one here has the legal authority to affect will not be fully complete by the February 27, 2013 meeting. While, conceptually, we can talk about this and whether he feels it is wise for a governmental entity what is going to be asked. If you choose to do so there has to be certain disclaimers which they are absolutely willing to give us. He thinks it will take a half hour or a little more; however, he and the Mayor did not feel comfortable forcing this on an agenda earlier than it normally would take. If Council wants to put it on the agenda in order to help where we can, he will be ready.

Councilperson Stoner, Councilwoman Moody and Councilman Levy make three for the vote.

In response to Mr. Lunny, Councilperson Stoner noted that there will be a quorum for February 27, 2013.

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Mayor Bendekovic announced that the Mayor's Council will be on February 20, 2013 at 6:30 p.m. at the Plantation Historical Museum. She will Sunshine that so if any Council members would like to attend. The next venue will be moved to the Plantation Preserve in the Spring and the last one will be at Deicke Auditorium.

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Councilman Tingom commented that today is Ash Wednesday and tomorrow is Valentine's Day. He hopes that we can continue to practice good government.

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### **PUBLIC REQUESTS OF THE COUNCIL CONERNING MUNICIPAL AFFAIRS**

George Lord, resident, was present. On May 11, 1953, the Plantation City Council passed Resolution No. 1. On Page 5, Section 10, Manner Addressing Council Time Limit. "Each person addressing the Council shall step up in front of the rail, shall give his name and address in an audible tone of voice for the records and unless further time is given by the Council shall limit his address to five minutes". This has been in affect for almost 60 years and has not been repealed or changed. He does not think one Council member has the right or

authority to restrict residents to three minutes. He has researched Florida Statutes and has been unable to find any that override that Resolution. He then decided to call someone to find out if he was on legal grounds. On February 6, 2013, he called a Florida Attorney General where he was referred to Pat Gleason, who is an expert on this. He left a message on her recorder. At 1:00 p.m. on that date Ms. Gleason called back and said, "There is no Florida law or Statute other than what the City has on their own Resolution"; therefore, he believes it is only fair to go back to the five minutes as in that Resolution.

Councilman Tingom advised that it would be considered.

Councilperson Stoner questioned why it will be considered if it is on the books.

Mr. Lunny explained that when there is a Resolution that says, "Each person shall limit their remarks to five minutes" the Resolution is offering a limitation on comment; it is not in the nature of an entitlement to comment. For years the Council has had a three-minute rule; the President of the Council has the authority, because under our Charter the President runs the meetings, to alter and give a resident three, five or given an advocate for a Quasi-Judicial more and that is subject to the right of all of you to disagree with and say, "Sir, we want to give a resident five at any time". His comments are that the Resolution is in the nature of a limitation, not an entitlement. It is not one person, it is one person with the tacit permission of five that is running the meeting and if any of you at any time want to change those rules you can. He has, on occasion, talked to Presidents about Resolution No. 1 because there is a lot in there about when we meet and the times and he has not had an opportunity to say this is how we are going to review the Resolution and modernize it. Maybe with the next President that will get done. He apologized for not getting it done earlier.

In response to Councilperson Stoner, Mr. Lunny stated that the President can say, "Here is how we are going to run the meeting and you have five" and from time to time the Presidents have said, "Is everyone all right with that". There is a working relationship amongst the Council members that the Administration does not interfere with. Once you get elected President the President can establish new rules or change them and say, "This is how I'm going to run it during my Presidency and if you all disagree then say you disagree and talk about it".

Mayor Bendekovic advised that we have always been respectful of how the President wants to run the meeting.

Mr. Lunny indicated that this topic is not anywhere near as important priority based budgeting but it is on his list to discuss.

Councilman Tingom stated that when he began he asked Mr. Lunny about Resolution No. 1 and he read it. For a long period of time he agreed to five minutes. After attending some County Commission meetings and some other meetings throughout Broward County at many different venues, the standard for most meetings is three minutes. He thought in order to modernize our situation that we would go with three minutes. For tonight we will suspend that rule and you may speak as long as wish except for more than ten minutes.

Mr. Lord mentioned that the Resolution says, "Unless further time is granted by the Council", it does not say that one person can set a limit; it is Council total.

Dennis Conklin, resident, was present. He noted that the language of Section 10 of Resolution No. 1 says, "Each person shall limit his address to five minutes", it does not say that a member of the Council can do that. It is up to the person. He mentioned that in Item #27, which was removed, the backup material gave a financial instrument. He suggested that bank routing numbers and account numbers be removed to protect that person's identity.

\* \* \* \* \*

Rico Petrocelli, resident, was present. He always felt that this is the residents' only opportunity to speak. This Council has basically been deceived and misinformed. The past Mayor and this current Mayor want to take credit for all of the good stuff yet do not want to accept that as a Strong Mayor it is your responsibility and now your fault where the City is. Council was given information that said this has to be done. The Council and residents have been misinformed and everyone is confused about the real or fictional crisis we are having. He believes that the State needs to audit the books and let the taxpayers know the real fiscal issues. The word bankruptcy has been thrown around saying that we are already \$3 million in debt especially after the 22%. Council needs to take action before this upcoming election and let the residents know where you stand and who you stand for. Someone needs to make a motion for someone to look at our finances from the outside. If there is not a second before March 12, 2013, he suggests that the residents of Plantation really consider who they vote for if they are not willing to take the risk now and let them know where our fiscal problems are.

Mayor Bendekovic advised that Keefe and McCullough do an audit every year and we are currently in the process of doing the audit.

Mr. Petrocelli noted that it needs to be someone from the outside; someone who is not an RFP. The confusion in the paper, within the City, within the Union and within the General Employees is that no one knows for sure. We need someone who does not have an interest in the City or gets paid by the City to do this; someone from the outside so there is no doubt.

Councilman Tingom commented that if Mr. Petrocelli would like to finance the audit they would be more than happy to have someone from the outside.

\* \* \* \* \*

Michael Hanlon, resident and Police Officer, was present. He thanked Mr. Lunny for his defense of our pension system. He wished Councilwoman Moody best wishes. Mr. Hanlon mentioned the article in the Sun Sentinel and noted that he found several quotes insulting, inaccurate and distortional of the facts. In his opinion, a distorted propaganda campaign to demonize police officers and their families is not the way City government should function. They have never been at the top of any category of pay or benefits and were the last ones by a decade to get a step pay plan; the last ones to get a longevity pay plan; the last ones to get a DROP plan and the last ones to get a Retirement COLA and it is by far the smallest. They were also the last ones to get take home cars. The City wants to take away every one of those things. Plantation has a wonderful Police Department and he would not be in such a hurry to destroy it.

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27. REQUEST FOR COUNCIL REVIEW OF FINE REDUCTION FOR CASE NO. CE09-03474.

Mr. Lunny advised that this item was removed from the agenda.

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**SEALED COMPETITIVE SOLICITATIONS – None.**

\* \* \* \* \*

**WORKSHOPS – None.**

\* \* \* \* \*

The Meeting adjourned at 10:05 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 \_\_\_\_\_, 2013.

\_\_\_\_\_  
Susan Slattery, City Clerk