

**CITY COUNCIL
PLANTATION, FLORIDA**

April 13, 2011

The meeting was called to order by Councilwoman Uria, 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
City Attorney:	Donald Lunny, Jr.

* * * * *

2. The invocation was offered by Mayor Bendekovic.

The Pledge of Allegiance followed.

3. Approval of Minutes of Meeting – October 27, 2010

4. Approval of Minutes of Meeting – November 10, 2010

5. Approval of Minutes of Meeting – November 17, 2010

6. Approval of Minutes of Meeting – December 8, 2010

The minutes of the City Council meetings for October 27, November 10, November 17, and December 8, 2010 were approved as printed.

* * * * *

Councilwoman Uria welcomed Brett Keeler of Troop 175, who was working on his merit badge.

* * * * *

ITEMS SUBMITTED BY THE MAYOR

Mayor Bendekovic read a Proclamation designating May 15 – 21, 2011 as *National Public Works Week* in the City of Plantation.

Frank DeCelles, Public Works Director, accepted the proclamation.

* * * * *

Mayor Bendekovic made the following announcements:

- The Mayor's Interfaith Breakfast will be held at the Renaissance on Thursday, May 5, 2011.
- The Woman's Alliance Group luncheon is sponsored by the Chamber of Commerce on May 28, 2011 at the Sheridan.

* * * * *

Mayor Bendekovic introduced Lowell Kaufman, a representative to the United States Tennis Association.

On behalf of Bob Cooper, Mr. Kaufman indicated that the support the Council has had in enlarging the Veltri Tennis Center over the last 20 years has allowed them to host one of the largest junior tournaments in the world. He introduced Lou Brewer, the tournament director of the Orange Bowl.

Mr. Brewer advised that the 2011 Orange Bowl will be played at the Veltri Tennis Center between December 5-11, 2011. We are the only country in the world to have two of the highest level junior tournaments that are sanctioned by the International Tennis Federation; the Orange Bowl and the U.S. Open Juniors. They expect to have a positive economic impact on the City of Plantation; annually they use approximately 2,000 hotel nights, along with food and beverages.

Mayor Bendekovic thanked Mr. Brewer.

* * * * *

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

- The Royal Easter Egg Hunt will be on Saturday, April 23, 2011 at 10:00 a.m. at the Pop Travers Field for children 3 to 10 years old.
- Kids Day Off will be on April 22, 2011 at Plantation Central Park.
- Summer Camp will be run by the City of Plantation between June 13 and August 5, 2011. Camps are for children 5 to 11 years of age and Adventure Camps are for children 12 to 14 years of age. There will also be other camps in the City of Plantation; the Summer Tennis and Pool Camp at the Veltri Tennis Center; the Share A Pony Equestrian Camp at the Equestrian Center; the Don Law Golf Academy at the Plantation Preserve; and a Drama and Musical Theater Camp at Deicke Auditorium.

* * * * *

CONSENT AGENDA

Item No.'s 7, 12 and 14 were discussed separately.

As a Commissioner of the CRA, Mayor Bendekovic has a voting privilege on Item No. 28.

Mr. Lunny read the Consent Agenda by title.

8. Request for temporary road closure of Broward Boulevard from State Road 7 west to NW 69 Avenue north to City Hall on Monday, July 4, 2011 for the Annual 4th of July Parade.
9. Request for authorization to issue a purchase order in favor of SP Kinney Engineering, Inc., in the amount of \$44,417 to purchase parts to rebuild effluent strainers at the Regional Wastewater Treatment Plant. (Budgeted – Utilities).
10. Request for authorization to participate in the Southeast Florida Co-Operative Bid to furnish and deliver liquid sodium hydroxide (caustic) from Allied Universal Corp. from April 10, 2011 through April 9, 2012 at the cost of \$1.78/gallon (full truck load) or \$2.03/gallon (less than full truck load). (Budgeted – Utilities).
11. Request to approve a Memo of Agreement with the South Florida Water Management District and other water resource agencies in South Florida to investigate a C-51 Reservoir plan for future sustainable water supply for South Florida. (Utilities).
13. Request for authorization to execute an Interlocal Agreement between Broward County and participating municipalities utilities for a joint Water Conservation and Incentives Program effort and for the expenditure of \$36,932 for Plantation's share of the program. (Budgeted – Utilities).

Resolution No. 11221

15. **RESOLUTION** confirming a Plantation City Lien of Utilities Service Charges for 1055 NW 85 Terrace. (Kravitz)

Resolution No. 11222

16. **RESOLUTION** confirming a Plantation City Lien of Utilities Service Charges for 1047 NW 88 Avenue. (Roll)

Resolution No. 11223

17. **RESOLUTION** confirming a Plantation City Lien of Utilities Service Charges for 9830 NW 1 Court. (Cohn)

Resolution No. 11224

18. **RESOLUTION** confirming a Plantation City Lien of Utilities Service Charges for 1100 SW 69 Avenue. (Kulaga)

Resolution No. 11225

19. **RESOLUTION** confirming a Plantation City Lien of Utilities Service Charges for 4541 NW 4 Court. (Scott)

20. **Resolution No. 11226**
RESOLUTION confirming a Plantation City Lien of Utilities Service Charges for 11630 NW 6 Place.
(Ciobanu)

21. **Resolution No. 11227**
RESOLUTION confirming a Plantation City Lien of Utilities Service Charges for 266 NW 65 Terrace.
(Ajim)

22. **Resolution No. 11228**
RESOLUTION confirming a Plantation City Lien of Utilities Service Charges for 7520 SW 14 Street.
(Lutchman)

23. **Resolution No. 11229**
RESOLUTION confirming a Plantation City Lien of Utilities Service Charges for 1001 Bayberry Point
Drive. (Madori)

24. **Resolution No. 11230**
RESOLUTION confirming a Plantation City Lien of Utilities Service Charges for 8226 NW 8 Place.
(Puller)

25. **Resolution No. 11231**
RESOLUTION approving the expenditures and appropriations reflected in the Weekly Expenditure
Report for the period March 17 – April 6, 2011 for the Plantation Gateway Development District.

26. **Resolution No. 11232**
RESOLUTION approving the expenditures and appropriations reflected in the Weekly Expenditure
Report for the period March 17 – April 6, 2011 for the Plantation Midtown Development District.

27. **Resolution No. 11233**
RESOLUTION approving the expenditures and appropriations reflected in the Weekly Expenditure
Report for the period March 17 – April 6, 2011.

28. **Resolution No. 11234**
RESOLUTION approving the expenditures and appropriations reflected in the Weekly Expenditure
Report for the period March 17 – April 6, 2011 for the City of Plantation's Community Redevelopment
Agency.

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

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

NOTE: Mayor Bendekovic voted affirmatively on Item No. 28.

* * * * *

Mr. Lunny read Item No. 7 by title.

7. Approve Lime Fresh Mexican Grill located in the Fountains to have a grand opening event on Thursday, April 14, 2011 from 4:00 p.m. – 8:00 p.m.

Councilman Tingom pulled this item to give an opportunity to the owner, who has been very supportive to the Chamber of Commerce, to tell his plans.

Nick Borros, owner, stated that he and his family are long time residents and are proud to open in Plantation. There will be a Grand Opening tomorrow, April 14, 2011, between 4:00 p.m. and 8:00 p.m. and the ribbon cutting will be at 6:00 p.m.

Motion by Councilman Tingom, seconded by Councilman Levy, to approve Item No. 7. Motion carried on the following roll call vote:

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

* * * * *

Mr. Lunny read Item No. 12 by title.

12. Request to authorize a purchase order in favor of Port City Pipe in the amount of \$20,692.80 for 180 sanitary sewer manhole risers to raise manholes in various locations throughout Plantation.

Councilwoman Stoner pulled this item in an attempt to determine procurement policies. She did not see the item advertised and wants to be sure that we are complying with the ordinance requirements.

Hank Breitenkam, Utilities Director, advised that prior to the meeting he received the actual thresholds. For a telephone bid the thresholds are \$3,587 and three telephone bids are \$17,933, which is when Council approval is required. Between \$17,934 and \$89,665 requires written bids. Formal bids, which are anything over \$89,666, go out to the public. This goes up every year and depends on the cpi.

Councilwoman Stoner believes that these thresholds would not allow an open market for people to truly come in and bid on whatever the commodity or service is; those choices come from someone's rolodex. She would like to see the bids open to a larger market for participation.

In response to Councilwoman Stoner, Mr. Breitenkam indicated that three bids were obtained.

Councilwoman Stoner requested that backup material be provided in the future.

Councilman Jacobs commented that a lot of things are purchased from limited sources.

Mr. Breitenkam advised that many companies are merging into one large business. In South Florida the underground suppliers are dwindling in number. They really do seek to get a representation of the regional market.

Mr. Keefe stated that in general, the reason thresholds are set is due to the cost going out for formal bids; there are advertising requirements and sometimes there are free bid requirements where staff time is involved. This ordinance was changed to add the cpi increase in 2006.

Councilwoman Stoner indicated that it might be possible to create a library of services for specific items.

Mr. Keefe believed that a threshold would have to be set that would be consistent throughout the organization, not by departments.

Councilwoman Uria mentioned an article she read about piggybacking and noted that it is not always the lowest. At some time we might want to review our purchasing procedures; there might be some things that we want to change.

Motion by Councilwoman Stoner seconded by Councilwoman Uria, to approve Item No. 12. Motion carried on the following roll call vote:

Ayes: Tingom, Jacobs, Levy, Stoner, Uria

Nays: None

* * * * *

Mr. Lunny read the Resolution by title:

14. Resolution for the appointment of an Inspector 1 for the City of Plantation's Building Department fixing the initial annual compensation to be paid for said Administrative/Professional position; and the appointment of an individual to said Administrative/professional position. (MacLain)

Councilwoman Stoner pulled this item because she noticed that the City seems to fill positions by existing employees for those that may resign. In this particular situation, we are looking to move an employee from the Public Works Department over to the Building Department. Presently this particular employee is a Craftsman and is moving up to a different position of Inspector. A permit report was recently received as to the amount of permits that are going through the City and she is not convinced that there is a necessity beyond the existing staff to have an additional fulltime person. There is a Chief Electrical Inspector as well as an on-call Inspector already budgeted in this particular division's budget. To bring in someone from another department whose department may wish to fill that position that has been vacated becomes a concern. Secondly, this particular individual has some skills and a license, in order to perform his skills he will have to obtain what is called a Provisional Building Inspector's License. Part of the process becomes that he has a period of three years in which to obtain a Formal Inspector's License so we are basically giving him on the job training, which she has no problem with, but in making the leap from one department to another, it is over a \$13,000 per year increase in pay with no additional skills from one category to the other. She questions whether this is the thing to do; perhaps this person could make the transition at his current pay level, get on the job training and when he receives his actual Inspector's License then the pay scale could be increased. To provide this kind of dollar increase together with pensions and additional benefits and not knowing whether we have enough work, she questions offering the job to this person.

Mr. Sabouri advised that he spoke with Councilwoman Stoner this afternoon and he explained the reason for the position. There is a need for an Inspector. Over the years the Building Department has gone from 26 fulltime employees to 18 fulltime employees. The Building Department is the only department that has to pay for itself.

Staff is paid through permit fees, not through taxes. Permit fees to date and over the past five years are well above the expenditures. The Building Department is conscious of what they are spending and they have been very proactive. There are two State Laws, #553 and #468, specifically addressing the qualifications of inspectors. The City's job description basically has to merit that in addition of being able to drive. The State of Florida has taken into account that this is entry level and that is why there is a process of on the job training and why they will provide a Provisional License for three years. In addition, if someone were hired from the outside more dollars would be paid than bringing someone from another department. This particular person is young enough and can be trained to our needs rather than getting an Inspector who may or may not have the requirements in mind. Florida Building Code 104.1 says the Building Official shall be the principal enforcement officer of this code. That section addresses all of the qualifications for the Inspectors, Plan Examiners, all the way up to the Building Official. This person would be working under his direction and would have to answer to the State. He feels that if he feels confident enough to "put his neck on the line" to hire this person that he should be allowed to do so.

Councilwoman Stoner stated that the City's reputation is on the line. She has no problem with someone coming in and being mentored; however, they can be mentored at a certain dollar and when they get their actual Building Inspector's license the pay scale can increase. To have someone who is in the low end of the tier of his existing wage category move over to a position with an increase of \$13,000 per year with on the job training and additional benefits that go along with that, we still have to pay for the reimbursement of tuition because he has to take classes in order to get the license. She takes exception on behalf of the taxpayers.

Mr. Sabouri commented that prior to hiring any Inspectors they are sent to Broward County Rules and Appeals to do a so called "dry run". Every Inspector that is hired must have a minimum of 10 to 11 years of experience. He does not believe that a person should be penalized for trying to improve himself.

Councilwoman Uria questioned the current rate of pay and how much someone from the private sector would get paid.

In response to Councilwoman Uria, Mr. Sabouri advised that this person is an "N" category; however, he did not know his rate of pay.

Councilwoman Stoner indicated that this particular individual currently earns \$37,984. The pay scale to AN3 is \$50,439, which is the entry level for the classification he would have to start at.

Mr. Sabouri stated that we have used people from the private sector as well as Broward County Appeal Inspectors. Their pay is about \$60 per hour; therefore, you are looking at \$2,400 per week.

Councilwoman Stoner noted that the Broward County website has a starting category for someone with an existing Building Inspector's License at \$49,000.

Mr. Sabouri emphasized that the starting salary for an Inspector is a ground level entry position. He can get someone who is older and might stay with the City for a short period of time or he can hire a younger person who will be with the City for a long time.

Councilwoman Stoner commented that the Chief Electrical Inspector makes \$65,000 per year. She questioned what this particular employee does in his existing job as a Craftsman.

In response to Councilwoman Stoner, Mr. Sabouri advised that the Chief Electrical Inspector has been on staff about six or seven years. The employee in question is a licensed electrician; however, Mr. Sabouri does not know his exact duties.

Councilwoman Uria indicated that the job duties are on the employee's resume; electrical maintenance repair, remodel municipal buildings, parks facilities, street lights and irrigation.

In response to Councilwoman Stoner, Mr. DeCelles, Public Works Director, advised that the aforementioned job duties are correct. He installs electrical systems throughout the City owned buildings. Mr. DeCelles stated he hired a General Contractor as a Maintenance II worker because the market was so bad. The person needed the work and took the lower pay scale. When a second electrician was needed the employee in question came in, took the money and has been with the City for seven years. He has worked his way through the system and he cannot stop this employee for applying for another job.

In response to Councilwoman Stoner, Mr. Sabouri stated that he has a copy of the job description for a Building Inspector, which mirrors the Building code and distributed them to the Council members.

Mr. DeCelles advised that all of their work, whether it be Electrician I or Electrician II, is inspected by our Building Department's Chief Electrical Inspector. There has never been a problem with this employee's work; therefore, the Chief Electrical Inspector is saying that the person is qualified to do the work.

Councilwoman Stoner read that the Chief Electrical Inspector says that required experience and training to be eligible as an appointment as an Electrical Inspector, such person shall be certified by the State of Florida Building Code Administrators and Inspectors as an Electrical Inspector. Such person shall be certified by the Board of Rules and Appeals, which you said he has to apply to, and shall meet one or more of the following. He is still not an Inspector; he is not coming into the job with this certificate for the additional jump in money.

Mr. Sabouri argued that he has hired at least a dozen inspectors that have gone through the process.

Councilman Levy indicated that while working for the Sate of Florida this issue came up. One of the things they did was at one point a person could not be hired unless they already came with the pre-existing requirements; however, one word was changed which allowed many more people to be eligible by saying they would be qualifiable within a certain amount of time and they assisted in getting their education and training; however, they came in at 10% less than the minimum salary. Once they achieved the goal of the required certificate or training they were raised to the beginning salary. He questioned whether this would be a possibility so that people are given a chance to grow within the organization and we work with them to further their training and education and give them a career within the City of Plantation, which is better than continuously training new people. We also save money in the process by not paying them the same amount as someone who already has the requirements.

Mr. Sabouri advised that the starting salary is something that is set by the Human Resources Department and he cannot say whether there is a possibility or not. He noted that requirements for the Public Works job are a lot lower than the requirements for the Building Department. If someone comes into the City with a higher degree or higher qualification they should be allowed to move.

In response to Councilman Levy, Mr. Sabouri stated that when someone goes out to do an inspection that is paid by permitting.

Councilman Levy noted that in reality the applicant is paying for the cost of the inspection and not the City and, therefore, the person's salary. There are two points involved; one is if someone is qualifiable and whether it is possible to pay less or if something needs to be put in motion during a Workshop to discuss in order to set a policy that a person who does not have but can be qualified within a certain period of time gets a lesser salary if the department head would like to hire them and then they will graduate to the higher salary when they get the qualifications.

Mr. Sabouri indicated that was 100% correct. All of the salaries are paid through the permitting process directly related to permits. It is imperative for Council to know that when Inspectors apply for the job and are not certified that the State has a mechanism by which the person will get on the job training. Inspectors are trained in-house and we make sure they are certified through the State within one year.

Councilman Levy stated that the salary is the point. Why not give them an opportunity at a lesser cost to the taxpayer or the City?

Mr. Sabouri advised that as far as the code is concerned, they are qualified and certified even though they have a Provisional License. Code wise they can make the same inspection as a regular Inspector.

Councilman Levy advised that Council will discuss a policy relating to this issue during a Workshop.

Councilwoman Stoner believes bringing people up through the ranks; it is extremely important. She also does not want to slight the people who have already been through the training. This particular individual has barely had his license two years and he has a County Certificate of Competency; it is not a State license.

In response to Councilman Jacobs, Mr. Sabouri indicated that they are normally required to get certified within six months to one year. The State gives them three years. Ten percent of the salary would be \$5,300 and if he does it in six months that is \$2,500.

Councilwoman Stoner commented that provisional means that the employee has three years in which to go for his license. She suggested amending it to 10% over what he is getting versus 10% less than what they are offering.

Councilman Jacobs does not believe Council should do this; if something like that is done it should be sent back to staff. He believes they need this employee and he deferred to staff and their expertise and feels that it should be approved.

Councilwoman Uria stated that a \$13,000 raise is a lot of money. She believes that the entire system needs to be revamped. She did not understand why this item could not be tabled, as there is someone on call.

Councilman Jacobs advised that this is not a raise. This individual has applied for a new job and he could just as well be working somewhere else, not working with the City, and if they got the job that is the starting salary. He does not feel it should be categorized as a \$13,000 raise. When trying to advance within a company it is very difficult because it is not perceived as a new job it is perceived as a raise.

Councilwoman Uria thought this might be something to discuss further. She believed that Councilman Levy had a great idea.

Councilman Tingom reiterated what Councilman Jacobs said. Over a long period of time he has seen people who have left an organization and then re-entered the organization. Had they stayed with the organization they would have been paid much less but when they left and re-entered they were paid the starting rate. It is not an increase; it is a change in job and job responsibility. He trusts our department heads to make solid recommendations. This motion should either be passed or sent back to revisit at a later date.

Councilwoman Uria stated that no one has questioned Mr. Sabouri's decision making. Maybe government needs to change.

Councilman Tingom disagreed.

Motion by Councilman Jacobs, seconded by Councilman Tingom, to approve Item No. 14 as is. Motion FAILED on the following roll call vote:

Ayes: Tingom, Jacobs
Nays: Levy, Stoner, Uria

* * * * *

QUASI-JUDICIAL CONSENT AGENDA – None.

* * * * *

QUASI-JUDICIAL ITEMS - None.

* * * * *

COUNCILMEMBERS' COMMENTS

Mayor Bendekovic made the following comments and appointment:

- There will be a Workshop meeting on April 20, 2011. Everyone was reminded that all questions should be directed to the Directors.
- Sally Finlen was appointed to the Library Board.
- She thanked the Plantation Chamber of Commerce for their 50-year anniversary event. She also thanked the community for supporting the event.

* * * * *

Councilman Levy announced that the Plantation Woman's Club will be honoring the "Women of the Year" on Saturday, April 16, 2011 at a luncheon in Jacaranda.

* * * * *

Councilman Tingom made the following comments:

- He thanked Mayor Bendekovic and staff for the update on the Jacaranda Country Club.
- The Fire Department Golf Tournament is on Saturday, April 16, 2011.

* * * * *

Councilwoman Stoner made the following comments:

- She concurred on the Pineapple/Mayor's Gala.
- She welcomed Sharon Kent back after her illness.

* * * * *

Councilwoman Uria mentioned the Historic Acres and thought that the setback requirements were similar to Plantation Acres. She would like to review the ordinance, as a home is being built that is very tall and close.

Mr. Leeds explained that this home is in Historic Plantation. The home is very large; it is both large horizontally and is very tall. The required setback in that particular neighborhood and throughout the City is based on a straight distance; it does not take into consideration the height, scale and mass of the home. The required setback is 15 feet and they provided approximately 17 feet so they meet Code. The building height in that district allows up to 35 feet. Should Council want him to review it would require research into other Cities that have been faced with these very large homes. This home is unique and is very large.

Councilwoman Uria is concerned that in the future people will be building larger homes and the setback needs to be reviewed.

Direction was given to Mr. Leeds to proceed with research.

* * * * *

Councilwoman Uria announced that there will be a meeting regarding the generator at Chateau Lane on Tuesday, April 19, 2011 at 7:45 p.m.

* * * * *

Councilwoman Uria questioned when Granicus will be operational.

Ms. Slattery advised that they are still in the testing process; there are some things that are not working correctly. They hope to have it operational by the end of this month.

* * * * *

Councilwoman Uria questioned the timeframe for the Jacaranda Country Club matter.

Mayor Bendekovic indicated that she met with staff this week and they are attempting to schedule a meeting with Scratch Golf either on April 25, 26 or 27, 2011. They are waiting for Mr. Palmer and Mr. McGloughlin (sic) to come into town. Once a response is available an update will be provided to the Jacaranda residents.

* * * * *

PUBLIC REQUESTS OF THE COUNCIL CONCERNING MUNICIPAL AFFAIRS

Jim Pinkston, resident, read a letter into the record thanking Charles Dragone and Larry Sumter with Public Works for their assistance in changing the lines on the flag pole at the entrance into Plantation Isles. He was extremely pleased with the performance of Mr. Dragone and Mr. Sumter. He expressed another job well done by the City of Plantation workers.

* * * * *

Dennis Conklin, resident, requested that the City reconsider Resolution No. 10481, the "Green" resolution.

Councilwoman Uria questioned how much we pay to be a member of the ICLIE and requested a copy of the resolution.

Mr. Conklin was not sure about the cost. He reiterated his request to rescind the Resolution and suggested that the City withdraw from the organization. Numerous municipalities across the country are withdrawing once they find out what this organization is all about.

* * * * *

Ann and Larry Ebberts, residents, advised that they were invited by Jose Lopez of South Florida Water Management to attend the Broward Leaders Water Academy. They learned a lot and distributed handouts for Council members to review.

* * * * *

Meeting adjourned at 8:55 p.m.

Sharon Uria, 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 _____, 2011.

Susan Slattery, City Clerk