

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

July 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 – by telephone
Sharon Moody Uria
Mayor: Diane Veltri Bendekovic
City Attorney: Donald Lunny, Jr.

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2. The invocation was offered by Councilwoman Uria.

The Pledge of Allegiance followed.

3. Approval of Minutes of Meeting – March 23, 2011

4. Approval of Minutes of Meeting – April 6, 2011

5. Approval of Minutes of Meeting – April 13, 2011

6. Approval of Minutes of Meeting – April 20, 2011 with the following correction:

Page 12543 should read *“That the 2002 Bond will be paid off on August 15, 2011”*.

Page 12547 should read “Councilwoman Uria clarified that she was only talking about *new* General Employees”.

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ITEMS SUBMITTED BY THE MAYOR

Mayor Bendekovic thanked Public Works, Parks and Recreation, Police and Fire for the wonderful Fourth of July parade.

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Mayor Bendekovic introduced Tony Martins and his team who won an award for the Fire Department for the eighth time.

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Jim Romano, Parks and Recreation Director, made the following comments:

- The Aquatic Center will host the Florida Gold Coast 14 and under Junior Olympics between Thursday, July 14 and Sunday, July 17, 2011.
- The Annual Daddy Daughter Sock Hop will be held at Volunteer Park on Friday, July 15, 2011 between 7:00 p.m. and 9:15 p.m.
- The Annual USTA Girls 14th National Clay Court Championships will be held at the Frank Veltri Tennis Center between Sunday, July 17 and Friday, July 22, 2011.

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Mayor Bendekovic indicated that the Farmers Market is open every Saturday at Volunteer Park.

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Mayor Debbie Eisinger, (sic) President of Broward League of Cities, explained that their main emphasis as a League is the identification and resolution of problems which affect day to day operations of Broward's 31 municipalities. Another important mission is to promote a greater awareness and increase the public's knowledge of municipal services, concerns, accomplishments and responsibilities. Mayor Eisinger thanked Mayor Bendekovic for serving on the Board of the Directors. She stated that Councilwoman Uria and Councilman Tingom are alternates and noted that Councilman Tingom has done a fabulous job while serving as Chairperson with the School Oversight Committee. Mayor Eisinger introduced Ryan Shrouder (sic), a student accompanying her to all of the municipalities. General membership meetings are held the third Thursday of every month and the next meeting will be held on August 18, 2011. Everyone was encouraged to log onto the Broward League of Cities website, www.browardleague.org, to learn more about their goals and missions.

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CONSENT AGENDA

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

Mr. Lunny read the Consent Agenda by title.

7. Permission for Duffy's Sports Grill located in the Fountains to have a 2nd Anniversary event on Sunday July 17, 2011 from noon until 5:00 p.m.

Resolution No. 11295

9. **RESOLUTION** of the City Council of the City of Plantation, Florida, adopting the City's Community Development Block Grant (CDBG) FY 2011-2012 Action Plan; providing for severability; and providing for an effective date therefor.

Resolution No. 11296

10. **RESOLUTION** reinstating a delinquent Westgate Lake Manors special assessment on property having an Ad Valorem Tax Folio Number of 5041 01 02 0330. (Joseph)

Resolution No. 11297

11. **RESOLUTION** confirming a Plantation City Lien of Utilities Service Charges for 8551 NW 12th Street. (Krim)

Resolution No. 11298

12. **RESOLUTION** confirming a Plantation City Lien of Utilities Service Charges for 10053 NW 13th Court. (Diaz)

Resolution No. 11299

13. **RESOLUTION** of the City Council of the City of Plantation, Florida to apply for the 2011 Edward Byrne Memorial Justice Assistance Grant (JAG) Local Grant through the Broward Sheriff's Office.

Resolution No. 11300

14. **RESOLUTION** for the appointment of a Wastewater Operations Superintendent for the City of Plantation's Utilities Department fixing the initial annual compensation to be paid for said administrative position; and the appointment of an individual to said administrative position. (Flynn)

Resolution No. 11301

15. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period June 16 – July 16, 2011 for the Plantation Gateway Development District.

Resolution No. 11302

16. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period June 16 – July 16, 2011 for the Plantation Midtown Development District.

Resolution No. 11303

17. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period June 16 – July 16, 2011.

Resolution No. 11304

18. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period June 16 – July 16, 2011 for the City of Plantation's Community Redevelopment Agency.

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

Ayes: Levy, Stoner, Tingom, Jacobs, Uria

Nays: None

NOTE: Mayor Bendekovic voted affirmatively on Item No. 18.

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Mr. Lunny read Item No. 8.

8. Approve leasing of eighty (80) Dell Optiplex PC's and monitors from Dell Leasing in the amount of \$23,595.

A memo dated June 23, 2011 to Mayor Diane Veltri Bendekovic and City Council Members from Robert Castro, IT Director, follows:

This information is provided for your review and consideration regarding your approval of the funds to lease Dell desktop computers for the 2011 PC refresh.

DELIVERABLES:

Eighty (80) Dell Optiplex 790 Small Form Factor Standard PCs and monitors. Microsoft Office licensing, Windows 7 licensing, four (4) year next day maintenance on all components.

BENEFITS:

Savings of \$384,694.20 versus outright purchase over the next five years with a scheduled technology refresh going forward.

COSTS:

We have secured a lease price of \$23,595 through Dell Leasing for the 80 units for this budget year.

RECOMMENDATION:

Therefore, it is recommended that City Council approve the \$23,595, and authorize the Information Technology and Administration Departments to enter into an agreement with Dell Leasing for the needed computers.

Jerry Fadgen, resident, requested that this item be pulled. He supports the issue and noted that the savings is significantly overstated. He distributed information. The backup indicates that if a program stays in affect for five years there will be accumulative purchasing costs of about \$480,000. That is compared to the annual lease payments rather than the cumulative base payments; therefore, it looks like the net savings is actually \$394,000 leaving a net cost of about \$250 a computer. When comparing to the cumulative lease payments, it gets down to a more accurate amount. The savings is the time value of money and what is accomplished after four years is that there is a permanent deferral of about \$147,000 of capital required; based on that it is worth doing. He wanted to clarify the fact that the savings is different than what is reflected.

Mayor Bendekovic requested that that information be shared with Mr. Castro.

In response to Councilwoman Uria, Mr. Castro indicated that we get five to six years out of the computers. He stated that the cost to outright purchase the computers would have been \$479,000 and the cost for the total lease payments are \$94,000.

Mr. Fadgen reiterated that this is a good program and it will save the City money; once it levels out it will probably be in the range of \$10,000 per year. A permanent deferral of \$147,000 of capital is not needed as you continue to lease.

Motion by Councilperson Stoner, seconded by Councilwoman Uria, to approve Item No. 8. Motion carried on the following roll call vote:

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

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ADMINISTRATIVE ITEMS - None

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LEGISLATIVE ITEMS

Mr. Lunny read Item No. 19.

19. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE OF THE CITY OF PLANTATION, FLORIDA, RELATING TO THE POLICE OFFICERS' RETIREMENT SYSTEM, AMENDING SECTION 18-65(8) TO UPDATE THE DEFINITION OF ACTUARIAL EQUIVALENCE BASED ON ADJUSTED ACTUARIAL ASSUMPTIONS ADOPTED BY THE BOARD OF TRUSTEES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion by Councilperson Stoner, seconded by Councilman Jacobs, to approve Item No. 19. Motion carried on the following roll call vote:

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

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Mr. Lunny read Item No. 20.

20. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE OF THE CITY OF PLANTATION, FLORIDA, PERTAINING TO THE FIREFIGHTERS' RETIREMENT SYSTEM, AMENDING CHAPTER 18, PENSIONS AND RETIREMENT, ARTICLE 3, FIREFIGHTERS' RETIREMENT SYSTEM; PROVIDING A MECHANISM FOR DISABILITY RETIREES TO RECEIVE NORMAL RETIREMENT BENEFITS UPON REACHING THE NORMAL RETIREMENT AGE OF 55; PROVIDING FOR CLARIFICATIONS TO BENEFITS; PROVIDING A SAVINGS CLAUSE AND PROVIDING AN EFFECTIVE DATE THEREFOR.

Motion by Councilman Levy, seconded by Councilman Jacobs, to approve Item No. 20. Motion carried on the following roll call vote:

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

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Mr. Lunny read Item No.'s 21, 22 and 23.

Resolution No. 11305

21. **RESOLUTION** ADOPTING THE PROPOSED MAXIMUM MILLAGE OF 4.6642 MILLS, WHICH THE CITY OF PLANTATION CAN ASSESS DURING THE NEXT ENSUING TAX YEAR; ESTABLISHING A TIME AND PLACE FOR A PUBLIC HEARING TO CONSIDER SUCH PROPOSED MILLAGE AND THE TENTATIVE BUDGET; AND OTHERWISE DIRECTING THE TRANSMITTAL OF CERTAIN INFORMATION TO THE BROWARD COUNTY PROPERTY APPRAISER BY AUGUST 4, 2011; PROVIDING FINDINGS; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

Resolution No. 11306

22. **RESOLUTION** ADOPTING THE PROPOSED MAXIMUM MILLAGE OF 1.2461 MILLS WHICH THE PLANTATION GATEWAY DEVELOPMENT DISTRICT CAN ASSESS DURING THE NEXT ENSUING TAX YEAR; ESTABLISHING A TIME AND PLACE FOR A PUBLIC HEARING TO CONSIDER SUCH PROPOSED MILLAGE AND THE TENTATIVE BUDGET; AND OTHERWISE DIRECTING THE TRANSMITTAL OF CERTAIN INFORMATION TO THE BROWARD COUNTY PROPERTY APPRAISER BY AUGUST 4, 2011; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

Resolution No. 11307

23. **RESOLUTION** ADOPTING THE PROPOSED MAXIMUM MILLAGE OF 0.4072 MILLS WHICH THE PLANTATION MIDTOWN DEVELOPMENT DISTRICT CAN ASSESS DURING THE NEXT ENSUING TAX YEAR; ESTABLISHING A TIME AND PLACE FOR A PUBLIC HEARING TO CONSIDER SUCH PROPOSED MILLAGE AND THE TENTATIVE BUDGET; AND OTHERWISE DIRECTING THE TRANSMITTAL OF CERTAIN INFORMATION TO THE BROWARD COUNTY PROPERTY APPRAISER BY AUGUST 4, 2011; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

A memorandum dated July 13, 2011, to Mayor Diane Veltri Bendekovic and Members of City Council, from Herbert V. Herriman, Finance Director, follows:

Subject: FY 2011/12 Millage Rate

The State requires that the City set the maximum millage rate so that the Property Appraiser can use these rates for notices that they send to the individual taxpayer. The millage rate forwarded to the Property Appraiser is the maximum millage that the City of Plantation can levy for next year's budget without going through an expensive mailing process. City Council always has the option of lowering the amount of millage at either of the two Public Hearings in September.

The three resolutions set the maximum millage rate for the City's funds as follows:

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|----|-----------------------------------------|--------------|
| 1. | City of Plantation Operating Millage | 4.6642 mills |
| 2. | Plantation Gateway Development District | 1.2461 mills |
| 3. | Plantation Midtown Development District | 0.4072 mills |

Local governments must conform to the maximum millage limitation requirements first imposed by the Legislature in 2007. The requirements applicable to 2010 are in S.200.185(5), F.S. These requirements were further amended by a bill passed in 2008 (CS/SB1588).

For fiscal year 2011/12, the maximum millage requirements applicable to operating millages for all local governments except school districts are:

- By a majority vote (three votes in the City of Plantation), taxing authorities may levy a maximum millage equal to their rolled-back rate adjusted for the change in per capita Florida personal income (1.0055% for FY2011/12) or 5.1451 mills for the City of Plantation.
- By two-thirds vote (four votes in the City of Plantation), taxing authorities may levy a millage equal to 110% of the majority vote maximum millage rate or 5.6596 mills for the City of Plantation.
- By a unanimous vote or a referendum, taxing authorities may levy any millage up to their constitutional or statutory maximum millage (10 mills for the City of Plantation).

The General Fund recommended millage rate of 4.6642 mills is a slight increase of 0.1500 mills over the previous fiscal year (requiring a majority vote from City Council) represents less than the rolled-back rate of 5.1170 mills before computing an adjustment for growth in per capita Florida personal income of 1.0055%. Please note that the millage rate being recommended is the maximum millage rate. The maximum millage rate once set at the July 13, 2011 Regular City Council Meeting may be revised only downward as Council processes the budget information during the August 25, 2011 workshop with the Mayor, Administration and Department Directors and the September 14 and 21, 2011 Public Hearings.

The recommended maximum millage rates for Plantation Midtown and Plantation Gateway Development District's are the same millage rate as levied in the previous fiscal year 2011 and requires a City Council majority vote.

It should be noted; the City does not levy an additional millage for any of its debt service obligations and does not levy a Fire Assessment fee. The General Fund Recommended Budget includes recovering indirect departmental support costs being provided the pension funds from the City General Operating Fund. Examples of these support costs are risk management, financial services, information technology, human resource services, and administrative services. The costs associated with these three funds total approximately \$359,000.

With the recommended millage rate of 4.6642 mills for the General Fund, the City will be able to maintain direct basic services in public safety, developing our parks and infrastructure system, public works projects and to continue the utilization of technology while maintaining the current level of services, as has in the past few years. The recommended millage also considers a reduction in the work force amounting to \$550,000 in salaries excluding benefits, no merit raise for all general employees (wages were also frozen for FY2010), and the fulfillment of the final year in the FOP agreement and a nominal capital budget for FY 2012. Additionally, the City has continued to implement several cost saving measures and benefit adjustments in its health insurance plans to mitigate a continuation of double digit cost increases. Budgeted revenues other than ad valorem taxes and expenditure reductions will determine the final impact on City programs and levels of service.

In addition, the City has set the date for the First Public hearing. The First Public Hearing is scheduled for the Regular City Council meeting at 7:30 p.m. on Wednesday, September 14, 2011.

If you have any questions, please contact me.

A memorandum dated July 13, 2011 to Mayor Diane Veltri Bendekovic and Members of City Council, from Herbert V. Herriman, Finance Director, and Dan Keefe, Chief Administrative Officer, follows:

Subject: FY 2011/12 Budget

The recommended budget containing the tentative revenues and expenditures is in the process of being completed with a departmental focus on cost containment and efficiency through use of technology and skilled, cross-trained, multi-tasked personnel. This budget continues to address the continuation of current major services at the minimum level to meet the needs of our citizens. The General Fund's recommended fiscal year 2012 budget is \$79.7 million, which is an increase of \$1.8 million as compared to the current fiscal year 2011 budget (see Exhibits A and B).

The fiscal year 2012 budget was balanced with the use of Appropriated Fund Balance in the amount of \$400,000 (see recommendations below). The recommended budget is based on a slight increase in the millage rate to 4.6642 mills (an increase of only 0.1500 mills) over the millage rate of 4.5142 mills from last year with the understanding that Administration and City Council will continue to work with the budget to further review and prioritize expenditures prior to the September hearings.

Property values in Plantation have increased 1.0% from \$6,612,966,401 to \$6,677,220,055. The increase is attributed to some stabilization in Plantation despite continued decline to the economy with a slow recovery to home and commercial real estate property values, as evidenced by the overall decline by 1.6% of property values in Broward County. Past factors such as the January 29, 2008 Florida Constitutional Amendment 1 impact by approximately \$600 million consisting of Portability (3%), Value of 2nd Homestead Exemption of \$25,000 (90%) and Impact of the \$25,000 Tangible Personal Property Exemption (7%) all had significant impacts to the City's tax base. The reduction in the General Fund Ad Valorem Property Tax revenues was approximately \$2.2 million in FY 2009, over \$3 million in FY 2011 and will finally level off in FY 2012. Broward County property values decreased 6.7% in 2008 (FY 2009), 10.6% in 2009 (FY 2010), 11.7% in 2010 (FY 2011) and 1.6% in 2011 (FY 2012). The City of Plantation property values decreased 7.5% in 2008 (FY 2009), 8.4% in 2009 (FY 2010), 10.1% in 2010 (FY 2011) and finally an increase of 1.0% in 2011 (FY 2012). Property taxes in the City of Plantation represent approximately 37.5% of the General Fund operating budget (including transfers-out). The General Fund recommended millage rate of 4.6642 mills represents a slight 0.1500 mill increase as compared to last year. The rolled-back rate without any adjustment for growth (1.0055%) in per capita Florida personal income is 5.1170 mills. The rolled-back rate adjusted for Florida personal income growth is 5.1451 mills and allowable pursuant to current legislation with a majority vote of Council. One mill is equivalent to \$6.3 million; 0.1 mills is equivalent to \$630,000.

It is important to note that setting the maximum millage rate at 5.6596 mills (requires four votes) or 5.1170 mills (requires three votes) has positive consequences for serious consideration. For instance, the need for capital improvements is unquestionably paramount given the fact recent budgets have restricted our ability to adequately fund capital items. If funding is available, the City will be reviewing the option of a bond issue in the near future to meet Utility and General Fund capital needs. A \$10 million issuance will cost approximately \$800,000 a year to retire the debt over a 20-year period. City Council may want to adopt a higher maximum millage rate in order to have the ability to fund unmet capital needs as enumerated in the \$12.6 million Needs List (Exhibit E) or other programs not included in the proposed budget. The revenue generated from the roll back millage would place the City in a favorable position to support an adequate level of capital replacement. Additionally, bond rating firms view favorably local governments who have the willingness to properly fund its operations and capital needs. Also, the cost of debt will be lower for those governments who possess the vision

and desire to position itself favorably financially in order to sustain a proper and responsible level to support its public safety, operations and capital requirements.

The Plantation Midtown Development District's (PMDD) millage rate of 0.4072 mills is the same as last year or millage neutral, but generates less ad valorem tax receipts. The 0.4072 mills will generate \$420,800 from ad valorem taxes, which is \$10,000 less than last year. The District's taxable value of \$1,087,885,233 represents a slight increase of 0.1% over the previous year.

The Plantation Gateway Development District's (PGDD) millage rate of 1.2461 mills is the same as last year or millage neutral, but generates less ad valorem tax receipts. The 1.2461 mills will generate \$251,000 from ad valorem taxes, which is \$22,500 less than last year. The District's taxable value of \$212,320,230 represents a decrease of 4.3% over the previous year.

The Community Redevelopment Agency (CRA) will receive tax revenues in the approximate amount of \$1.1 million, which is the same as the previous year.

State revenue sharing payments from sales taxes continue to raise questions concerning the general economic recovery in the State of Florida.

Health benefits have been reduced by the full implementation of the Employee Health and Wellness Center, incorporating benefit changes and increasing the employee contribution for medical insurance for covered employees. General Employees pension costs have experienced a slight decrease and the Police Officers' pension costs has experienced a slight increase reflecting the slow rebounding, but improving stock market in the last almost four years. Tier II plans for both the General Employees and Police Officers' pension plans have been implemented to contain future costs.

Revenues from investment income are likewise weakening to a rate below 1%. The State Board Administration Pool is currently earning interest at only about 0.25% and Money Market Funds are also nominal.

Building permits and City Business Licenses are showing signs of recovery. Included in the FY 2012 Budget is a new resource recovery refund of \$1,033,000 and tipping fee retainage of \$1,400,000. The Payment In Lieu of Taxes and Return of Investments (PILOT/ROI) from the Utility Fund to the General Fund represents \$1,981,550.

Fiscal year 2012 will be the eighth year that qualifying senior citizens are allowed an additional \$25,000 homestead exemption on their City taxes. It is anticipated the tax revenues for the City will be impacted by about \$80,000. It should likewise be noted, the City does not levy an additional millage or fee for any of our Debt Service obligations, Fire Assessment and Crash Fees. Still, the City's millage continues to be one of the lowest in Broward County.

In the General Fund, sixteen (16) full-time personnel positions have been eliminated or not funded and no new positions have been added for FY 2011/12, for a savings of approximately \$550,000, excluding benefits. Exhibit C reflects the recommended position adjustments for the new budget year. This budget recommendation does not include a merit pay increase for its general employees. This will be the second year in the last three years that there was a freeze on wages for its general employees. The FOP bargaining unit and City negotiated a new three-year contract effective October 1, 2010 through September 30, 2013. The FOP wage increase per contract is 3% plus steps. Pension costs, which mirror the U.S. Stock Market's poor performance, represent an increase of only \$34,300. The City's pension rate, as a percentage of payrolls, for Police Officers, increased from 43.3% to 46.5% (Police Officer's member from 15.5% to 16.1% (General Employee's contribution rate is 8.5%). Total

Salaries and Wages decreased \$99,000 while Personal Services (includes health insurance, prescriptions, life and long term disability benefits and workers compensation) increased \$790,000.

In summary, this budget recommendation is based on a slight increase in the millage rate from last fiscal year to 4.6642 mills. The budget includes no merit wage increase for all general employees (wages were also frozen in FY 2010), additional employee contributions for health benefits and an Appropriated Fund Balance in the amount of \$400,000.

General Fund Capital expenditures total \$515,133 (see Exhibit D), which is a decrease of \$10,000 from last year. General Fund Needs List items total \$12.6 million, excluding personnel (see Exhibit E). Because capital budgets have been slashed to below essential maintenance to meet budget limitations, this list includes some basic equipment needs.

As part of the budget process, Department Directors collaborated to develop a set of goals and objectives to be utilized as a guide to formulate the budget product (see Exhibit F).

A table, (see Exhibit 1) provides an analysis of the impact of various additional millage increase scenarios.

To provide a quick overview of the Recommended General Fund Budget for FY 2012, are the following:

- Exhibit A General Fund Revenues, Expenditures and Transfers-In/Out
- Exhibit B Recommended Budget Comparison-FY 2011 vs. FY 2010
- Exhibit C Personnel changes
- Exhibit D Capital Item Summary and Detail
- Exhibit E Needs List Summary
- Exhibit F Department Goals
- Exhibit G Reductions/Revenue Enhancements
- Exhibit H Proposed Commuting Fee
- Exhibit I Impact of Property Tax Allocation-FY 2012

Mr. Lunny indicated that Mr. Herriman has legal announcements that must be made prior to closing the hearing.

Councilwoman Uria advised that the maximum millage would be set this evening. There will be a Budget Workshop on August 25, 2011 and two public hearings, one on September 14, 2011 and another on September 21, 2011. At that time the rate will be set; however, it could go lower.

Mayor Bendekovic stated that prior to setting the millage rate there will be a short presentation. This is one of many other steps in creating the budget. During the Budget Workshop each Department Director will present their budget. The Workshop is open to the public; however, they are not invited to address or voice their concerns at that time. Concerns can be voiced at the first public hearing on September 14, 2011 and at the second public hearing on September 21, 2011. Council members should receive their budget by August 1, 2011. As mentioned during the June 29, 2011 Workshop, the numbers are constantly changing. Knowing there would be questions after the presentation, an invitation was extended to the Council members to meet with Mr. Herriman and Mr. Keefe for a privy discussion, clarifications and explanations. Based on the number received from the Property Appraiser, Plantation's taxable property values were increased by 1%; Plantation Midtown increased by .1%; and Plantation Gateway decreased by 4.3%. She recommended a maximum increase in the millage rate from 4.5142 to 4.6642, which is a 3.3% increase. This recommendation reflects reductions and

sacrifices in and on every department and employee. This budget is a combination of increased millage rate utilizing funds from reserves, not filling 16 vacancies, cost avoidance and capital improvements. Even with a millage rate of 4.6642, additional support is needed from the Council on expense reductions and revenue enhancement.

Mayor Bendekovic provided a brief presentation as follows:

- In 2006 the millage rate was 4.889. In 2008 the State had us roll back our millage rate with an additional 7%, which rolled back to 3.5. The millage rate for 2011 is 4.5142 and the recommendation for the maximum is 4.6642, which equates to \$935,000 if adopted.
- Changes to property tax values. As of 2012 there was a 1% increase, which makes a difference of \$51,564,867.
- The City of Plantation tax revenue reflects a minimal increase with a millage rate of 4.6642. With this budget, it would be a reduction of \$4.7 million since 2007.

Mr. Keefe continued the presentation as follows:

- The ad valorem would be about 3.3%.
- Revenue sharing is up slightly.
- Franchise Utility fees show a slight decline.
- User fees are up quite a bit primarily due to the reduction in the tipping fee for Wheelabrator for garbage revenue.
- License and permits are up quite a bit due to three large projects coming within the next year. Two of those permits will be collected during the next fiscal year.
- Reserves are projected to be down quite a bit over last year when there was over \$3 million. Pledged revenue has also declined by \$996,000.
- The overall General Fund revenue increase is projected to be \$79,719,042.
- Expenditures are major categories such as salaries and wages, employee benefits, services, material and supplies, capital, and grants. The balance is the same as on the revenue of \$59 million.
- There have been some changes in specific revenues such as in the revenue sharing program, Building permits, services and fines. Unfortunately, investment income is not projected to be as strong as it has been in the past; it is down about \$445,000.
- The projected numbers from last week may change. Overall, the revenue categories change is \$3.6 million or 23%.
- The revenue enhancements mention the City fee. There are also uncollected funds from Hurricane Wilma. It is recommended that a 5% increase be done to the Business Tax license and that will generate \$38,000 in revenue.
- There are over \$1 million of uncollected EMS transport fees and a collection agency is being considered. It is believed that approximately \$80,000 of that can be collected.
- There is a 4% increase in the employee contribution for medical insurance, which represents \$200,000.
- Employees who take home vehicles will be charged a take home commuter fee, which will generate \$90,000.
- Some of the reductions include the Plantation Quarterly printing and postage, which is \$82,000. It is recommended that employees no longer receive the \$25 at Thanksgiving and Christmas; eliminating one employee picnic for a savings of \$4,000; reducing the Plantation Chamber of Commerce contributions by \$7,000; and eliminating the Federal lobbyist for a savings of \$60,000.

Mayor Bendekovic added the following:

- We are avoiding the cost of \$285,000 with the implementation of the Wellness Center. There will not be any merit pay for General Employees, which is a cost avoidance of approximately \$785,000 and 16 vacancies have not been filled.
- Expenditures are divided by departments. The current anticipated ad valorem revenue of \$29, 998,130 will not even cover the Plantation Police Department request budget because they have requested \$35 million.
- There are between 913 and 1,200 individuals who do not pay any property taxes. It depends on where the taxable value on your house is.
- There is a variance between revenues and expenditures. We still have not gotten an exact figure on the communications tax, which will be adjustable, depending on whether Council wishes to reduce or increase.
- Recommendations to increase revenues or decrease expenditures can come from Council or the residents; all suggestions are welcome.

Mayor Bendekovic thanked all of the Department Directors, Mr. Herriman and Mr. Keefe for all of their hard work on the budget.

Mr. Herriman stated that the millage the Council will approve will be the maximum millage; it cannot exceed that millage in future meetings. He announced that the first public hearing will be on September 14, 2011 and the second and final public hearing when the budget will be adopted will be September 21, 2011.

Mayor Bendekovic commented that she is not recommending any increase in the Plantation Gateway and the Plantation Midtown Districts; they remain the same.

Councilperson Stoner advised that she would reserve any comments until the complete budget is received, as there is not enough information to evaluate and make a final decision.

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

- He complimented the City for getting everything on the website for the public to see. He referenced Exhibit G, Reduction – Revenue Enhancements and noted that was not mentioned during the presentation.
- Expense reduction was the Agenda 21 ICLEA. He was glad to see that the ICLEA membership is being removed because during the 4th of July parade he was disheartened to see that the green flag was above the City flag on our flagpoles.
- He requested that the increase in the millage rate not be passed although it is only a 0.15% increase; it was mentioned that it is \$945,000.
- With regard to the CAFER, on page 35 of the City's Consolidated Annual Financial Reports, it says that all of the investments including restricted and unrestricted total \$77,745,974. Even though this includes restricted money, he feels there is money in excess of the \$945,000 that is not restricted or designated.

Mayor Bendekovic stated that the membership cost was \$1,200 and it will be taken off.

In response to Mayor Bendekovic, Mr. Conklin indicated that he would not be willing to give any additional money. He feels that the 3.3% can be found elsewhere.

Councilwoman Uria believes there are a lot of things that have to be considered prior to setting the millage rate.

Robert Knox, resident, was present. He received an email from Mayor Bendekovic on June 30, 2011 stating that she assured that the Council would provide a realistic number, meaning the difference between the budget expenses and the budget revenue, prior to this meeting.

In response to Mayor Bendekovic, Mr. Knox advised that he did not want Council to use any of the reserves.

Mayor Bendekovic stated that unfortunately some of the reserves will have to be used; however, the exact amount is unknown at this time.

Robert Mulvaney, resident, commented that one thing not considered is people who have homes for rent; both sides of the coin need to be looked at.

Councilwoman Uria stated that Council might also want to look at how this will affect the businesses.

Motion by Councilman Jacobs, seconded by Councilwoman Uria, to approve Resolution No. 11305. Motion carried on the following roll call vote:

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

Motion by Councilman Jacobs, seconded by Councilwoman Uria, to approve Resolution No. 11306. Motion carried on the following roll call vote:

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

Motion by Councilman Jacobs, seconded by Councilwoman Uria, to approve Resolution No. 11307. Motion carried on the following roll call vote:

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

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QUASI-JUDICIAL CONSENT AGENDA – None.

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QUASI-JUDICIAL ITEMS - None

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COUNCILMEMBERS' COMMENTS

Mayor Bendekovic thanked everyone for coming to the 4th of July celebration.

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Councilman Levy mentioned a story in the newspaper regarding red light cameras. There was a tragic story of a boy who was murdered and because of the red light cameras the suspect was found.

In response to Councilman Levy, Chief Harrison responded that he was an advocate of the red light cameras because of the investigative standpoint. We have been in the process for about four years but have held back due to legislative issues. We are not moving forward at this time; however, our Legal Advisor has been attending all of the hearings and we are staying on top of this matter. There are still many questions that need to be answered. A signature is required prior to starting the process and once that happens, the process will begin.

Councilman Jacobs commented that he is not in favor of the red light cameras. He questioned whether there has been any discussion about the Georgia State Law passed a few years ago requiring similarly situated traffic signals that have red light cameras to be one second longer on the yellow than lights that did not. The results of that were that traffic citations on average dropped 80% at these intersections. He suggested installing surveillance cameras instead.

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Councilman Levy referenced the Christmas nativity scene. He stated that Council decided to place this in one of our public parks along with a menorah and whatever other religious symbols were necessary so that everything was equal and everyone had something to look at and be proud of. He noted that a letter was recently received from the ACLU and the ACLU president threatening to sue the City for a violation of the law.

Mr. Lunny advised that a letter was received by the City indicating that the ACLU expressed concerns and felt this was inappropriate. They wanted to know if the City was going to erect a display in the upcoming year. As indicated the last time this subject came up, the case law says that holiday and seasonal recognitions are permitted if the City puts up the display as long as the primary and predominant theme is one that does not recognize any particular religious significance. There is no line about how many candy canes, elves, Rudolph's and teddy bears are needed before a display becomes nonreligious enough to not present a problem. The Administration has not yet determined whether the budget will allow for the display to go up this year; therefore, there is no answer for the ACLU at this time.

Councilman Levy requested that the people involved in the decision making process, especially from the public, be made aware of this situation as it evolves. This is a very sensitive area for a lot of people and we want to do the right thing.

Mr. Lunny stated that generally, seasonal displays can go up on private property all over town so there is no prohibition for nativity scenes, menorahs or other displays. When a governmental entity puts a scene of special significance in a public place it triggers an additional level of concern. The case law says that a public authority can do that and there is English language that tells what the test is. The problem is that there are not many facts that can be pointed to so that business safe harbored advice could be had. He is sure the subject will come up at a later date and the Mayor will advise of the status.

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Councilman Jacobs made the following Board appointments:

- Astrid Lopez to the Educational Advisory Board.
- Jeremy Wehby to the Landscape Planning and Review Board.
- Brian Hodgers to the Plantation Gateway Board.

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Councilperson Stoner had a great time at the 4th of July celebration and thanked everyone who helped with the event.

In response to Mayor Bendekovic, Mr. Romano stated that over 20,000 people attended.

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Councilwoman Uria spoke with Mr. Leeds regarding different areas in Florida that are starting a new trend with strip mall gambling casinos. She would like to prevent this in Plantation and noted that Orlando is trying to ban them.

Councilman Levy indicated that this is not a recent problem; each County has a different way of looking at this.

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PUBLIC REQUESTS OF THE COUNCIL CONCERNING MUNICIPAL AFFAIRS

Lucille Justin, resident, requested the City come into Mirror Lakes between NW 15th and NW 16th Streets where the duplexes are. Over time, people have purchased the duplexes and could care less who they rent to. Residents are afraid to walk in the neighborhood after dark. She has requested that trees be planted in the area and has heard a lot of excuses.

Mayor Bendekovic advised that she would visit the area personally, get the addresses of all of the homes in violation and provide them to Code Enforcement.

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Dennis Conklin, resident, commented that it is not enough to stop funding the ICLEA; he would like to see a repeal of the Green Local Government Resolution No. 10481.

Mr. Conklin resubmitted a request for a proclamation for the renaming of NW 65th Avenue and NW 5th Street to Ronald Reagan Way.

Councilwoman Uria indicated that changing street names is very difficult.

Councilman Levy believed they would be more prone to add that name to the actual street rather than change the name.

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Robert Mulvaney, resident, mentioned that the Plantation Isles waterways no longer have stuff underneath the water; it is pretty clean. Lately they have been getting a lot of thick algaecide on top of the water with a lot of grass clippings. He is concerned that a situation may be occurring and perhaps someone could look into why there are so many grass clippings.

Mayor Bendekovic stated that if anyone sees someone dumping into the canal they need to let the City know.

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Larry Ebbert, resident, advised that he has spoke with Janet Santiago, Code Enforcement Officer, regarding a new problem. Homeowners are complaining that lawn crews are dumping into the canals. Ms. Santiago has indicated that either a petition must be filed or take pictures. There is also a concern that the slime is coming from the State Road 84 canal again.

Hunter Thomas, resident, mentioned the stormwater project that might affect the canal areas of Plantation Isles, Plantation Landings and Plantation Harbor. He questioned whether anyone on the Council knows if that will increase the amount of rain water runoff going into the canals. In the event that it does increase the rain water runoff into the canals, he would request that the EPA rules and regulations be examined. He stated that the runoff from the streets and other areas go into the canal and he questioned if Council would give that water to their pets. The waterways in Plantation Isles empty into the ocean and there is wildlife living in those canals, not only fish. The wildlife needs to be protected but in protecting the wildlife the health and value of those canals would be protected. He believes it is very important to consider what damage to the purity of the water is being caused. His idea is that in Collier County they require that homes only occupy one-quarter of the size of the lot in which they are located. The reason for that is so rain water will soak into the lawns and the grass acts as a filter; therefore, not as many impurities go out into the ocean, which is where their runoffs go. The idea is that there is a very large grassy area across from Heritage Park. He questioned whether the rain water could be allowed to go into that grassy area to filter the water before it goes into the canals.

Mayor Bendekovic stated that the stormwater discussion is coming back to Council on July 27, 2011.

Councilwoman Uria indicated that the property is County property.

Brett Butler, City Engineer, clarified a couple of points. He advised that there are no drainage projects on their slate that would affect the volume of water conveyed to any of those water bodies. That source of information is not coming from the City. We do have an interest about the water quality issues and we do have a vested interest in coming to certain neighborhoods and providing better water quality improvements to improve the quality of that water before it discharges to the canals. That may likely be mandated; we are still waiting to see the outcome of the TMDL issue will be in this State. There may be some retrofitting for the purpose of water quality improvements. As to the suggestion about embracing a piece of a vacant parcel to discharge to, it is a noble idea. We can look at whether or not there is any merit to finding that property of any use; however, that property is directly across the street from a larger park on the north side of Peters Road. That property is actually surplus and belongs to the County and it is used sparingly throughout the course of a year for large events. If we find a need for that property we can always approach the County and work something out. Currently there are no projects on the slate that deal with volume. Mr. Butler reiterated that we do have an interest in waiting to see what the outcome of the law will be for this State and as to how it will affect any neighborhood in the City.

Mr. Thomas indicated that Mr. Lunny produced a landmark document for their area that clarifies the ownership of the canal waterway underneath the water. He questioned what is legally and conceptually the ownership of the land.

Mr. Lunny advised that depending on what canal is being referenced and in some cases even what side of the canal is being discussed, there are simple ownership issues in favor of Plantation, there are easements in favor of Plantation that have a different character and there are ownership interests for the abutting owners to the center line of the canal. There is not a uniform answer; you have to look at the chart and determine the character of the various interests in that land. Once that is done there can be an answer with precision. It is fairly uniform within subdivisions, which are platted areas. Some of the subdivisions were resubdivided so there are slightly different interests in the area of resubdivision.

In response to Mr. Thomas, Mr. Lunny stated that if someone has a fee simple ownership, generally they can do what they want at the bottom of the canal; however, if you are talking about the canals and you dig down into the canal so deeply that it causes a collapse of the stabilized shoreline then you have created a nuisance and you might have some responsibility for that. There are other legal principles of yes, you can do what you want on your property so long as it is not a nuisance that might constrain otherwise lawful activity. He would be happy to meet with Mr. Thomas and Mr. Butler to review the map and attempt to answer any questions as long as the Mayor or Council gives authorization to do so.

Mr. Thomas believes that the legal responsibility and ownership of those properties needs to be clarified. It may even need to be decided by a Judge.

Mr. Lunny did not feel that the City requires any judicial action to determine its interests.

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WORKSHOPS - None

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Meeting adjourned at 9:45 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 _____, 2012.

Susan Slattery, City Clerk