MEETING OF THE CITY COUNCIL
PLANTATION, FLORIDA

September 19, 2012

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
	Lynn Stoner
	Sharon E. Moody
	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.

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ITEMS SUBMITTED BY THE MAYOR

Mayor Bendekovic presented Service Awards to the following Employees:

*Officer Lee Bieber	Police	10 years
Officer David Khaleel	Police	10 years
*Susan Lohse	Finance	10 years
*Christine Romano	Finance	10 years

*Unable to attend.

Congratulations were offered.

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Mayor Bendekovic introduced Pat Hinde of the Plantation Woman's Club and recognized other members of the Club who were present.

Ms. Hinde presented the following checks:

- Hank Breitenkam, Director of Utilities, accepted a check in the amount of $1,200 for an education renovation.
- Jim Romano, Director of Parks and Recreation, accepted a two checks for a total of $6,200; one for Volunteer Park and one for Deicke Auditorium for equipment and things needed for the renovation.
- Monica Knapp, Director of the Library, accepted a check in the amount of $1,700 to purchase a computer for the museum.
- Frank DeCelles, Director of Public Works, accepted a check in the amount of $4,000 to purchase a saw and a commercial pressure cleaner.

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Mayor Bendekovic introduced Mike Kroll with Miller Legg.

Mr. Kroll presented an "Award of Honor" plaque, which was bestowed upon Plantation Preserve by the American Society of Landscape Architects for Excellence and Design. It represents and recognizes the open space, the environmental and conservation elements of the Plantation Preserve. He also thanked the Council and staff for making this possible.

Mr. Romano thanked Mr. Kroll. He stated that one of the best decisions made was hiring Miller Legg and getting the expertise needed to see this project through.

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Mayor Bendekovic made the following announcements:

- Plantation Acres Women's Club Italian Night will be on October 26, 2012 between 6:00 p.m. and 10:00 p.m. at Volunteer Park.
- Plantation Farmers Market is at Volunteer Park every Saturday between 8:00 a.m. and 2:00 p.m.

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CONSENT AGENDA

As a Commissioner of the CRA, Mayor Bendekovic has a voting privilege on Item No. 13.

Item No's. 6 and 7 were pulled from the Consent Agenda and discussed separately.

Mr. Lunny read the Consent Agenda by title.

3. Request for approval of emergency purchase order to Layne In-Liner in the amount of $19,671 for the installation of a sewer liner on NW 6th Court. (Budgeted – Utilities)

4. Request for approval to issue a work authorization to Hazen & Sawyer, P.C. for construction services on the Odor Control System Installation Project at the Regional WWTP in the amount, not to exceed, $140,410. (Budgeted – Utilities)

5. Approval renewal for City's excess self-insurance program with Florida League of Cities in the amount of $851,150.

Ordinance No. 2471

8. **ORDINANCE** Second and Final Public Hearing pertaining to the subject of Parking; (1) amending Section 27-625, Parking (SPI-3), to delete the parking ratio buy-down option and reduction granted for connecting to adjacent parking areas as allowable reductions in required on-site parking to change the term shared parking to mixed use parking and amend the regulations applicable thereto; (2) amending Section 27-741, off-street parking required to add parking requirements applicable to non-uses and structures; (3) amending Section 27-742, location, character, and size, to amend regulations pertaining to parking space size and access requirements, to prohibit tandem parking spaces, to add regulations addressing minimum garage door sizes, and to add regulations applicable to surface and structured garage parking; (4) amending Section 27-743, amount of off-street parking, to amend parking requirements for single family and two-family dwelling units, to add parking requirements for townhouse dwelling units, to add garage requirements for single family, two-family, and townhouse dwelling units with size regulations applicable thereto, to add an alternative parking requirement for hotel bars, bars, restaurant bars, and restaurants based on square footage; providing a savings clause; and providing an effective date therefor.

Ordinance No. 2472

9. **ORDINANCE** Second and Final Reading pertaining to the subject of Real Property; modifying procedures for disposing of real property; creating an expedited process for disposing of real property that serves no material public interest; providing a savings clause; and providing an effective date therefor.

Resolution No. 11559

10. **RESOLUTION** pertaining to the subject of Ethics; implementing the County Ethics Ordinance's training requirements for Plantation's Elected Officials; providing approved findings; providing a savings clause; and providing an effective date therefor.

Resolution No. 11560

11. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period September 6 – September 12, 2012 for the Plantation Midtown Development District.

Resolution No. 11561

12. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period September 6 – September 12, 2012.

Resolution No. 11562

13. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period September 6 – September 12, 2012 for the City of Plantation's Community Redevelopment Agency.

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

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

NOTE: Mayor Bendekovic voted affirmatively on Item No. 13.

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Mr. Lunny read Item No. 6.

6. Approve Trustmark to administer the City of Plantation's voluntary workplace benefits as the sole vendor of these products.

A memorandum dated September 19, 2012, to Members of City Council from Gary Shimun, Chief Administrative Officer and Margie Moale, Human Resources Director, follows:

As a follow-up recommendation made at the September 12, 2012 Council meeting, please note that the following factors resulted in the recommendation for Trustmark as the vendor of voluntary workplace benefits for the City of Plantation.

The City of Plantation has been with AFLAC for its voluntary workplace benefits many years and has received good customer service with very few complaints over that period of time. With that being said, the staff would not be fulfilling its duty of due diligence if we did not market our benefit plans periodically to be sure we are getting the best benefit at the best price for the City and our employees. In 2005, the RFP for voluntary workplace benefits had been done with AFLAC being rewarded the bid. With the change of the Flexible Spending Account administration placed upon the City, it was prudent to conduct due diligence with the other workplace benefits.

Upon review of the responses from the RFP, Willis provided the Selection Committee the analysis conducted on all the proposers, and TrustMark was selected as the best benefit for the best price. Primary considerations were a guaranteed issue of coverage including waiving the pre-existing clause for those with existing AFLAC coverage, a higher benefit level, the ability to audit each employee's current plan portfolio with a non-commissioned independent benefits counselor, extensive experience with public sector clients and lastly, pricing. TrustMark rates in most instances are less costly and provide a significantly richer benefit amount than the other offerings submitted.

We presented the information to the Benefits Committee on September 14, 2012 and after a thorough discussion and presentation by TrustMark, the Benefits Committee unanimously supports the recommendation for TrustMark as the sole vendor for voluntary workplace benefits, some of which currently carry the AFLAC products. It is further recommended that any employee with a current AFLAC policy that wishes to retain their AFLAC benefits after having the opportunity to meet and review TrustMark and AFLAC plans with an independent benefits counselor, will be able to do so on a direct bill basis at no change to benefit or premium.

Of the 592 deductions currently being payroll deducted for AFLAC products, less than half are currently on a pre-tax basis. If we were to permit the continuation of payroll deductions for AFLAC products, we would lose

the guaranteed issue, if not the entire TrustMark product offerings. More than likely, TrustMark would withdraw its offerings for these reasons:

- Adverse selection (only the employees and/or their dependents with conditions that were previously denied coverage by AFLAC would apply for TrustMark coverage),
- Confusion among employees.

RECOMMENDATION

After careful consideration and analysis of the information received, it remains the Selection Committee's recommendation that Council approve TrustMark to administer the City of Plantation's voluntary workplace benefits as the sole vendor of these products.

Councilperson Stoner mentioned previous discussion regarding this item and it was suggested that apparently the employees had not had any say in this.

In response to Councilperson Stoner, Ms. Moale advised that there is an Employee Benefits Committee in place and at the September 14, 2012 meeting the members in attendance supported TrustMark as the sole vendor to provide the voluntary benefit plan.

Nancy Theodore with AFLAC submitted packets to be distributed to the Mayor and Council. She feels that AFLAC should be continued as a voluntary benefit to the City of Plantation. She has received numerous telephone calls from employees since the first memo was sent out regarding this change. She clarified the two issues discussed last week but noted that there is still confusion regarding the voluntary benefits versus the FSA.

Ms. Theodore stated that during a meeting on June 22, 2012, with Margie Moale, Beverly Ambrosio, Mary Fowler and Mary Beasley regarding the fact that AFLAC would no longer administer the FSA for the City; that the new company would be Wage Works and that there could be fees since we could not be sure whether Wage Works would waive the fees, an RFP was issued, not only for the FSA but also for voluntary benefits. She noted that after reviewing documents the only previous RFP was in 2008, which was only for the flexible spending account since the City did not want to pay the fees at that time. She took it upon herself to absorb the fees for the best interest of the employees and as the cost of doing business. During the meeting on June 22, 2012 she did not know if she could pay the fees since she did not have a direct relationship with Wage Works. The following Tuesday, June 26, 2012, she found out that she would be able to absorb the fees and upon relaying that information to Ms. Moale, she learned that the decision had already been made to issue the RFP for not only the FSA but also for the voluntary benefits. Ms. Theodore went on to explain that AFLAC policies are individual policies sold in a group setting, which means that when someone retires they can keep the same benefits at the same premium. All of the policies that the City's employees are insured under have never had a rate increase. Also, if the policy should terminate for non-payment, they can be reinstated within two years after the termination date and at the same premium; however, the policyholder may have to answer medical questions. From her understanding, TrustMark's policies are group issued, which means as with group health insurance, the insured will only receive a certificate, not a policy. This could mean that the premiums could be raised. Also if the City decided to move from TrustMark to another company all of the policies could convert to an individual policy but possibly at higher premiums. During the Council meeting last week, Ms. Moale stated that the RFP of June 25, 2012 requested guarantee issue policies where pre-existing conditions would be waived; however, after reviewing that RFP, a request for guarantee was not mentioned anywhere in the bid. A memo to Council also

noted that the guarantee issue of coverage was one of the primary factors for choosing TrustMark. With regard to the TrustMark Critical Plan, the question is whether the guarantee issue is available every time an employee enrolls or just during the first open enrollment. In addition, if the employee has a pre-existing condition, will the TrustMark policy pay for that illness or will they only pay for an initial diagnosis of another unrelated critical illness. Her understanding is that the lump sum is a one-time benefit for the diagnosis of one of those critical illnesses. AFLAC's Critical Care and Recovery and Cancer Plans will pay an initial lump sum, called a first occurrence benefit, but will continue to pay for additional treatments, which could possibly mean more money to the policyholder than just the lump sum. Ms. Theodore indicated that she has never pressured an employee and is always there to help when an employee has a question or a claim. The recommendation of today states that the open enrollment for October 1, 2012 is going to be done by a "Non-commissioned independent benefits counselor". After this initial enrollment she questioned who will service the policyholders and their new policies since these counselors, as stated, are not licensed. She questioned whether policyholders will have to call an 800 number. The premiums may be less and some of the benefits may be higher but that may also mean that the service may be less. If it is decided that AFLAC will no longer offer their policies after October 1, 2012, it is true, as discussed last week, that employees can keep their AFLAC policies; however, it will be different. The pre-tax policies will no longer be pre-taxed and the employees will have another bill to pay each month. The reason for the RFP initially was because the City did not want the employees to have to pay the $4 fee for the FSA; however, if their policies are not on payroll they will not have the advantage of pre-taxing the policies. She feels this is a contradiction to the original reason for the RFP and is not in the best interest of the employee. There are additional advantages for policyholders that she has never mentioned such as when employees are on family medical leave or if they are called to active duty. AFLAC will waive the premiums for 12 weeks while they are on FMLA and while the employee or spouse is on active duty in the Armed Forces. They do not have to pay the back premium when they come back to work; they just start paying the premium again. Many policyholders have called her and stated that they are very unhappy and don't understand why AFLAC is being terminated. She suggested that if the benefits are not awarded to AFLAC that perhaps this could be tabled until open enrollment, which would give the employees more time to make sure they are taken care of and not rushed into a hasty decision.

Councilwoman Moody commented that it is unusual that if a policy terminates for non-payment that they can be reinstated within two years after termination at the same premium. She questioned whether TrustMark guarantees that.

Jay Weingart, Senior Sales Director for TrustMark, advised that someone would be able to reapply for a policy if it were terminated for non-payment but that they would have to answer medical questions. He noted that the amount of the premium depends on the person's age bracket.

Ms. Theodore clarified that AFLAC would reinstate the policy at the premium that it was originally at.

Councilwoman Moody stated that there are employees supporting AFLAC and noted that there is an issue here. For that reason alone, she suggested that this be looked into further. She questioned whether Council agreed to the RFP. She indicated that she would be willing to defer this item.

Ms. Moale indicated that Administration supported going out for an RFP.

In response to Councilwoman Moody, Ms. Theodore believed that the RFP was for the FSA and not the voluntary benefits.

Councilman Levy questioned whether this was done because they were going to Wage Works and charging a fee. He questioned the savings to the City by moving to TrustMark.

Ms. Moale advised that the savings to the City is that there are no fees to pay. TrustMark is not the FSA account, that is Chard Snyder and there are no fees. The FSA was voted on last week. This is the voluntary program and there is no cost to the City.

Councilman Levy stated that there is no cost to the City other than if we are doing pre-tax or post tax.

Ms. Moale indicated that that employees do not have to make a decision by October 1, 2012; they will be able to make their decision on their own after speaking to their spouses or whomever, and then making their decision whether or not they want TrustMark by November 1, 2012.

Councilwoman Moody questioned why employees are having questions about this.

Ms. Moale advised that we have not met with the employees; we met with the Benefits Committee and explained things to them and they too had concerns. From what she understands, the concerns are the short period of time and the fact of all of the questions. They do not know what TrustMark is offering; it is a new company. They are trying to find the best insurance at the best cost for the employees. There are 592 deductions currently shown on AFLAC and of those, 300 are after tax. Ms. Theodore mentioned last week that there are 932 policies; there are multiple policies with some employees and that is why there are 592 deductions. As far as pre-tax versus after tax, if there is a Critical Illness policy that is generally pre-tax; however, if there is a Short Term Disability policy with that, both policies become after tax; they are not pre-tax. While the number of policies may be pre-tax, not all are for that reason.

Ms. Theodore clarified that the Short Term Disability is the only policy that is after tax. Everything else; the Accident, Cancer, Hospital Indemnity, Intensive Care and Specified Event are all pre-tax regardless of whether they have the Short Term Disability after tax. That creates two deductions on the person's check; pre-tax and after tax. Some of the Accident policies have disability riders, which may skew the numbers a little.

Cheryl Greenberg, employee, suggested taking a survey of how many employees have different policies with AFLAC that are now under pre-existing and would not be covered with the new policy because it is a first time occurrence. We can carry AFLAC on our own but it is not through payroll deduction and perhaps it would be a good idea to survey the employees. She questioned the urgency and noted that the insurance is usually switched in April when all of the different insurances are changed. She expressed concern with the first occurrence benefit.

In response to Councilman Tingom, Mr. Weingart advised that there are four different policies being offered. Ms. Greenberg is speaking as to one of the policies. The Short Term Disability, Life of Long Term Care and the Accident plan would be guaranteed issue with no pre-existing conditions. The policy in question is the lump sum Critical Illness plan that has a first occurrence benefit. If someone had a previous illness with cancer they would not be covered under the cancer portion; however, they would qualify for the rest of the benefits. The benefit counselors that will be sitting with the employees would advise employees with conditions to keep the AFLAC policies. They are trying to get the employees and their dependents that could not qualify for the AFLAC policies to be able to qualify.

In response to Councilman Tingom, Alma Blake, employee on the Benefits Committee, stated that her concern in attending the meeting was that the Committee was not aware of what was happening until it came out with

their paycheck the week before. The Committee was not notified that an RFP had gone out or anything else. She questioned why we have to get rid of AFLAC and suggested that we keep both as a payroll deduction.

Ms. Moale advised that they would lose the guarantee issue, if not TrustMark's offerings entirely, because it would create adverse selection, which means only those people who had been denied coverage by AFLAC because of pre-existing conditions would go over to TrustMark because they could get coverage. That and confusion among employees is the biggest thing. She believes that TrustMark would probably withdraw their offer from the City. We have a lot of employees that cannot get coverage through AFLAC; they have been denied. This opens the door to allow a lot more employees to gain coverage that they cannot get elsewhere.

Councilperson Stoner commented that based on what was explained last week; an RFP was done because AFLAC may have had this $4 additional fee; she thought that was a little short sided. During the meeting last week one representative was present; however, she was not given an opportunity to present to the Committee. Mr. Weingart has already said that he is going to be selective about who he takes. In her opinion, the City should keep AFLAC.

Ms. Blake stated that Mr. Weingart is saying that they are not going to recommend and suggest that people who have an AFLAC Cancer plan that have already had cancer and had that first occurrence purchase another product that will not pay on the cancer.

Councilperson Stoner questioned why we can't have both. There seems to be a clear split on people who want to keep AFLAC. She believes it would be better to accommodate both plans.

Mr. Weingart wants everyone to be happy. There will always be people who are going to complain but at the same time you are trying to do what is best for the City overall. Employees can have the best of both worlds; they can take advantage of the new policies that have higher benefits and if they do not qualify they can keep their existing AFLAC plans. As a carrier, they cannot go side by side because they will get the unhealthy people that could not qualify for AFLAC.

In response to Councilman Levy, Ms. Moale believed that TrustMark would withdraw their offering if the people who want to keep AFLAC will be allowed to do so pre-tax.

Mr. Weingart commented that they would have to withdraw.

In response to Councilman Levy, Mr. Weingart stated that as a carrier they could not take on the risk of having the unhealthy people who did not qualify for one plan.

Councilman Levy is requesting that they maintain their values but allow the people who want to stay with AFLAC for various reasons to stay with AFLAC. He questioned what difference it would make to TrustMark if it was post tax or pre-tax. The only difference is accounting to do it pre-tax.

Councilman Jacobs believed that Councilman Levy is saying that people with AFLAC would be grandfathered in with AFLAC and the City would not offer AFLAC anymore. The City would continue to deduct the premium before taxes for people who are already in AFLAC. Those people who have AFLAC as of November 1, 2012 and want to keep it and want a payroll deduction will get it but no one else can go into it.

Mr. Weingart felt that if the employees sat down like the Benefit Committee did and had a chance to understand the full package, not just the Cancer benefit, they would definitely take advantage.

Councilman Tingom commented that existing AFLAC customers would be able to keep the payroll deduction but no other people.

Councilman Jacobs noted that if employees wanted to move to another plan that would be fine but they can not go back to AFLAC.

Mr. Weingart understood. He thinks that TrustMark would be fine with that.

Councilman Tingom clarified that AFLAC would be allowed with no new customers but a payroll deduction of existing employees.

Councilman Jacobs suggested approving the item subject to that and if it does not happen then bring it back.

Councilperson Stoner agreed to that as an amendment to her original motion.

Councilman Tingom indicated that if Council cannot agree then a special meeting will have to be scheduled.

Councilwoman Moody questioned whether Mr. Weingart could clarify this because he did not seem too sure whether TrustMark would be all right with this. She did not want to agree contingent upon something; why not have a special meeting once Mr. Weingart finds out for sure what TrustMark will do?

Councilman Levy commented that if it can be done and we vote now there will not have to be a special meeting. He would prefer to vote now because employees only have until November 1, 2012 to meet with the benefits counselor and decide what is best.

Mr. Weingart stated that is exactly what they want.

Councilwoman Moody indicated that as soon as Mr. Weingart finds out he can let Administration know and they can let Council know.

Motion by Councilperson Stoner, seconded by Councilman Tingom, to approve Item No. 6 with the understanding that AFLAC would be allowed with no new customers and that there would be a payroll deduction for existing employees. Motion carried on the following roll call vote:

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

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Mr. Lunny read Item No. 7.

7. Approve First Amendment between the City of Plantation and Limousines of South Florida to lease three trolleys to the Hollywood CRA from October 1, 2012 to September 30, 2013.

A memorandum dated September 19, 2012, to Mayor Bendekovic and City Council from Laurence Leeds, Director of Planning, Zoning and Economic Development, follows:

On February 24, 2010, the City of Plantation Council approved a lease agreement with Limousines of South Florida, Inc. (LOSF) for the operation and maintenance of three (3) trolleys to be leased to the City of Hollywood CRA through September 30, 2012.

LOSF has requested to extend the Agreement under the same terms from October 1, 2012 to September 30, 2013. LOSF will continue to pay $2,500 per month, per vehicle (total $7,500 per month) and will be responsible for maintenance and fuel. Leasing of the three (3) trolleys for the year will generate an estimated $90,000 in revenue for the Midtown District. In addition to this lease, the Council has previously approved a separate agreement with LOSF to lease three (3) other trolleys for one year to the City of Homestead, expiring in June 2013.

RECOMMENDATION

Approval.

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Phyllis Polikoff, resident, pulled this item. She questioned the purpose of the trolleys.

Councilman Tingom explained that the trolleys are leased to another company that pays the City for using them. The trolleys are not in the City of Plantation. We purchased trolleys several years ago and it did not work within the City for transporting citizens to businesses within the community. A separate company now pays us for the use of the trolleys.

Councilwoman Moody advised that they are leased to the City of Hollywood. She believed that the trolley was being confused with the Tram service.

In response to Ms. Polikoff, Councilman Tingom indicated that the trolleys are being sublet to another entity that pays us for that.

Motion by Councilman Jacobs, seconded by Councilwoman Moody, to approve Item No. 7. Motion carried on the following roll call vote:

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

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ADMINISTRATIVE ITEMS – None.

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LEGISLATIVE ITEMS

Mr. Lunny read Item No.'s 14 through 20. His recommendation was to read each item, have a consolidated hearing and vote separately in the order presented.

Resolution No. 11563

14. **RESOLUTION** ADOPTING THE FINAL MILLAGE RATE FOR THE CITY OF PLANTATION OF 5.6142 MILLS FOR THE OPERATING YEAR OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2013, IDENTIFYING THE CITY ONLY ROLLED-BACK MILLAGE RATE, THE AGGREGATE MILLAGE AND AGGREGATE ROLLED-BACK RATE; AND; THE PERCENTAGE INCREASES FROM THE AGGREGATE ROLLED-BACK RATE; PROVIDING FINDINGS, PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

Resolution No. 11564

15. **RESOLUTION** ADOPTING THE FINAL MILLAGE RATE FOR PLANTATION GATEWAY DEVELOPMENT DISTRICT OF 1.2461 MILLS FOR THE OPERATING FISCAL YEAR OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2013; IDENTIFYING THE COMPUTED ROLLED-BACK MILLAGE RATE; PROVIDING FINDINGS, PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

Resolution No. 11565

16. **RESOLUTION** ADOPTING THE FINAL MILLAGE RATE FOR PLANTATION MIDTOWN DEVELOPMENT DISTRICT OF 0.4072 MILLS FOR THE OPERATING FISCAL YEAR OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2013; IDENTIFYING THE COMPUTED ROLLED-BACK MILLAGE RATE; PROVIDING FINDINGS; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

Resolution No. 11566

17. **RESOLUTION** PROVIDING FOR THE ADOPTION AND APPROVAL OF THE FINAL CONSOLIDATED REVENUE AND APPROPRIATION BUDGET OF THE CITY OF PLANTATION; FOR THE OPERATING FISCAL YEAR OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2013; PROVIDING FINDINGS; BUDGETED COMPENSATION OF ELECTED OFFICIALS; PROVIDING A SAVINGS CLAUSE AND PROVIDING AN EFFECTIVE DATE THEREFOR.

Resolution No. 11567

18. **RESOLUTION** PROVIDING FOR THE ADOPTION AND APPROVAL OF THE FINAL REVENUE AND APPROPRIATION BUDGETS OF THE DEPENDENT TAXING DISTRICT OF PLANTATION GATEWAY DEVELOPMENT DISTRICT FOR THE OPERATING FISCAL YEAR OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2013; PROVIDING FINDINGS; PROVIDING A SAVINGS CLAUSE, AND PROVIDING AN EFFECTIVE DATE THEREFOR.

Resolution No. 11568

19. **RESOLUTION** PROVIDING FOR THE ADOPTION AND APPROVAL OF THE FINAL REVENUE AND APPROPRIATION BUDGETS OF THE DEPENDENT TAXING DISTRICT OF PLANTATION MIDTOWN DEVELOPMENT DISTRICT FOR THE OPERATING FISCAL YEAR OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2013; PROVIDING FINDINGS; PROVIDING A SAVINGS CLAUSE, AND PROVIDING AN EFFECTIVE DATE THEREFOR.

Resolution No. 11569

20. **RESOLUTION** PROVIDING FOR THE ADOPTION AND APPROVAL OF THE FINAL REVENUE AND APPROPRIATION BUDGET FOR THE PLANTATION COMMUNITY REDEVELOPMENT AGENCY FOR THE OPERATING FISCAL YEAR OCTOBER 1, 2012 THROUGH SEPTEMBER 30,

2013; PROVIDING FINDINGS; PROVIDING A SAVINGS CLAUSE, AND PROVIDING AN EFFECTIVE DATE THEREFOR.

Mayor Bendekovic advised that this is the second public hearing to approve the millage rate and the budget. Administration's budget recommendations will be recapped and the Council's budget request from last week will be reviewed. Closing the $10.1 million deficit involved a 2013 budget, which is a document that required tough choices. The document will determine the future direction of Plantation. The budget, which is seeking Council's approval, is not only for community survival but is also one with a vision and will promote the regeneration of neighborhoods, welcome developers investments and does not lose focus on Plantation's uniqueness.

Mr. Herriman noted that pursuant to Florida Statutes and the City of Plantation Council, for your consideration are final millage resolutions for the Second Public Budget Hearing for fiscal year 2013 as follows:

- Final Millage Resolution – City of Plantation General Operating Funds
- Final Millage Resolution – Plantation Gateway Development District
- Final Millage Resolution – Plantation Midtown Development District
- Final Millage Resolution – City of Plantation Aggregate

For the City of Plantation General Operating Fund, the proposed final millage rate is 5.6142. The rolled-back millage rate is 4.5223 mills and the percent increase is 24.14%.

For the Plantation Gateway Development District, the proposed final millage rate is 1.2461 mills. The rolled-back millage rate is 1.2632 mills and the percent decrease is 1.35%.

For the Plantation Midtown Development District, the proposed final millage rate is 0.4072 mills. The rolled-back millage rate is 0.3892 mills and the percent increase is 4.62%.

For the City of Plantation Aggregate, the proposed final millage rate is 5.7200 mills. The rolled-back millage rate is 4.6268 mills and the percent increase is 23.63%.

The ad valorum tax revenue for the City's General Operating Fund will provide for personnel services and capital costs.

The ad valorum revenues for the Plantation Gateway Development District and Plantation Midtown Development District Operating Funds will provide for capital improvements.

Mayor Bendekovic introduced Gary Shimun, Chief Administrative Officer, and Kristi Caravella, Budget Manager.

The following is a presentation of recommendations made during last week's meeting:

- The recommendation on September 12, 2012 was proposed at 5.8020; however, 1 mill was approved, which equals 5.6142; a difference of $1,071,549 that will need to be made up.
- 25 full time and three part time positions were eliminated, which is equivalent to $1.5 million.
- We will work to sell off surplus property, ten acres in Plantation Acres. It was believed that we could also sell off the five-acre plot but that is not possible due to a grant from Broward County and a restrictive covenant on that property.

- Plantation Community Center will be closed for a savings of $235,807 annually.
- Furloughs will be added to all employees for a one-time savings of $315,000.
- Impact fees will be included with Public Safety. That would generate an additional $100,000.
- In comparing fees with Planning and Zoning, Design and Construction, Engineering and Finance, we found that our fees are much lower than surrounding cities; therefore, we would like to increase those fees with a revenue generating $525,000.

The following are responses to what Council requested Administration look into:

- Elimination of the Plantation Tram would save approximately $220,000.
- Furloughs including the Mayor's salary and also a three-day equivalent for Council and six days equivalent for Council. Three Council furlough days average 1.1% or 2.3% for six furlough days.
- The commuter fee deals with people who have take home cars. A spreadsheet shows all of the options. Mr. Shimun pointed out that any of the options that require a payroll deduction cannot be applied to the Police Department because that would have to be part of the Collective Bargaining Agreement.
- Costs for employee health benefits; 6% for spouse and family, 4% for employee, and 10% for all new employees. The same caveat can apply for anyone currently with the FOP because we have not negotiated that. Mr. Shimun pointed out that immediately after this we need to start looking at how we will review the City for next year's budget and start working on Workshops after the beginning of the year.
- Ms. Caravella explained that cost allocation or charge back is a widely utilized practice in public budgeting. All levels of government most commonly use the Enterprise Fund.
- During the previous meeting she discussed how money cannot be combined from the Enterprise Fund, Special Revenues and the General Fund. A charge back for cost allocations is when we offset the cost of servicing fees and it is allowable by law. Basically it is a way for everyone to pay their fair share.
- The numbers shown are based on a study conducted by the City in 2010 by an outside consultant. They determine how much the cost would be to service each department. They use a double stack method, which is a method recommended by the Office Management and Budget at the FAIR level. This study basically determines, based on time and personnel, how much it would be to charge other funds for those services.

Councilman Jacobs questioned whether the numbers were put in the 2013 budget or whether Ms. Caravella was requesting Council put them in.

Ms. Caravella stated that the numbers are currently there.

Councilman Tingom mentioned previous discussion about Enterprise Funds and questioned if these would have the ability to generate revenue. The question was asked if Plantation Gateway and Plantation Midtown, since they are a taxing authority, should contribute to running of the City for those fees. He has concerns about the Maximus study and the accuracy of it. He hopes that some of the things that have been seen out of place will be corrected in the next couple of months.

Glynna Deaner, resident, has been teaching Pilates at the Community Center for over 17 years. She has tried classes at other facilities; however, her class at the Community Center has over 15 people on Monday nights. It will cost more money to tear the building down than to patch the roof and try to keep it going for another two to three years. The building is very special and is a part of Plantation history.

Paul Templer, resident and President of the Gingerwood Place Homeowner's Association, was present. He thanked Councilwoman Moody for responding to his questions via e-mail and Councilman Tingom for e-mailing the budget. He noted that this increase is not 22%; it is more because it is a millage increase on top of a varied increase by the Property Assessor. Compared to last year, the increase is actually 28% and may be higher for some people in other parts of the City. With regard to adding a fire fee and a storm water fee; we already added a fire inspection fee. Utilities have gone from billing by increments of 1,000 gallons to 100 gallons. Several reductions have been addressed in the budget; however, there are things that still have to happen. He commented that the Plantation Tram is $220,000 and leaving our elections to piggyback with the County is another $120,000. Outside consultants should be eliminated; he is sure that in-house staff is more than able to do everything needed. In addition, there are 30 take home cars not including the Police Department. He noted that one of the cars travels to Loxahatchee and another goes to North Miami Beach. Perhaps the cars could be put into a pool; take home cars are not necessary. He went on to say that pension plans are no longer sustainable; we need to look at 401k's.

Cathy Ayala, resident, was present. She commented that Plantation is a beautiful place to live and sometimes it takes sacrifice. It would be great if the Community Center could be turned into something that could make money. She believes people will be all right without the tram. She is for the millage increase because she feels it is important and that everyone will benefit in the long run.

Phyllis Polikoff, resident, was present. She is not in favor of the millage increase with all of the increases that have been implemented.

In response to Ms. Polikoff, Councilman Tingom advised that CRA represents Community Redevelopment Agency.

Walter Loyd, resident, was present. He appreciates the City very much; however, he cannot understand how the public can be expected to support more and more increases up to 24%. If we are the source of the income for the City we are not getting those benefits. If the private sector does not get the increases he believes that the public sector should not be getting them either and if the private sector has to take layoffs they also have to take place in the public sector. If the increase does not pass he does not believe that residents should get less service. He hopes that Council will seek an alternative.

Mark Woodham, resident, was present. He stated that cuts have to be made and to his understanding, all of Council, including the Mayor, has been serving an average of five years. He does not understand how Council can approve a budget for the past four years with an average of $2.5 million over budget for a total of over $10.5 million for the past four years and now ask for an additional $10 million to cover the shortfall of the proposed budget. Expenditures have to be covered. He is in support of the increase with the proviso that there is not an additional increase for the next four years. The values of properties have increased approximately $100 million and the income of the City will go with that with the increase of the millage. If the increase is passed, the citizens should be guaranteed that they will not see an increase for the next four or five years.

Susan Ansil, resident, was present. She indicated that the number one problem is that the millage rate has not increased the needs of our City for four years and we have had to use our reserves. If the millage rate is not significantly raised we will not correct the problem and cutting salaries and benefits is not the answer. The millage rate increase recommended by the Mayor of 1.5 mills was a realistic rate in order to rebuild our reserves. She noted that the City of Plantation has one of the lowest taxes in the County. General Employees have been taking a cut in pay for several years and co-pays and contributions have risen. She questioned how Council plans to balance the budget when there is not a contract with the police. She commented that the police have

received raises every year; not the General Employees. She questioned why the FOP can't take the same furlough days as the General Employees just at different times. Parks are open 365 days per year and the public still receives the services they have come to expect.

John St. George, resident, was present. He advised that he was previously the Chair of the Advisory Board for the Disabled but was informed by the Mayor that the Board would be cut due to expenses. He was curious of the costs for a volunteer organization that does not cost anything. He imagined that it was because of the lights for the Council Chambers and for the secretary.

Councilman Tingom explained that the meetings were reduced in number. The service that the Advisory Board for the Disabled performed is now done by the Building Department along with that certification. The service was redundant.

Mr. St. George mentioned that the City is paying for a local radio station that is not important. He strongly suggested that the City get rid of it. It has very poor programming; there are legal fees involved to keep it up to date with the Federal Communications Commission; there must be some personnel that run it; there is a transmitter and there is electricity. It is not listed but residents must be paying for it. He feels that if the Board had to be cut because of a light bill that a very poor sounding radio station should also be cut.

Mark Levitt, resident, was present. He thanked Council for passing Item No. 7. Limousines of South Florida has been a partner in the City of Plantation for over ten years and for the last two years they have been leasing the trolleys for use in other cities and have been paying the City about $180,000 per year. They are also a contractor for the tram service and when he heard that the tram may be cut he wanted to advise that there are 14,000 riders per month that depend on that transportation. The trams cost $210,000 and Broward County pays $200,000 but they also provide the vehicles. Limousines of South Florida rates have not changed in five years but everything else has gone up. An RFP was put out a few months ago by the City of Plantation and they were the only bidder. At that time, they raised the rate $1.75 per hour. When he heard about the issues that Plantation is having he went back to the company and told the shareholders that the City of Plantation is a good partner and questioned whether the existing rate could be honored for another year. He then came back to the City and advised that the rate could be honored for another year at the same price, which they have been doing for the last five years. His concern is for the people who ride the tram. There are people who cannot afford a car and they use the tram to get around the City of Plantation. There are also a lot of businesses that depend on the tram to bring people from the west terminal to those locations. He noted that Limousines of South Florida are willing to work with the City and he thinks that Broward County would be willing to work with the City as well. Perhaps the hours should be cut; the routes should be changed or have two trams instead of four; do not leave the 14,000 people stranded.

Stuart Herman, resident, was present. He questioned what needs to be done to prevent another shortfall next year.

Councilperson Stoner indicated that she and Councilwoman Moody have asked Administration the same question at least ten times and they have yet to receive an answer. Even Council does not know the plan or the thought process for next year. In the past we have had a 1.5 millage increase per year, which was probably not sufficient, but it was that low. Personnel reviews should be done on an ongoing basis not just when you get into trouble.

Mr. Herman commented that when he sees dysfunction he can recognize it. For Council to say that they are not communicating well with the Mayor will be very embarrassing when it gets into the newspapers. He thinks there

should be a plan, particularly with the Mayor, to do a better job working with the Council so you are 100% in the loop. He questioned what went into the thought process of closing the Community Center. There was a little savings but that does not look well for people coming to the City.

Councilperson Stoner stated the Community Center was not approved to be closed. There was a consensus to defer it. The fact that it is on the board does not mean that it was approved.

Councilman Jacobs indicated that it is still open for discussion.

Councilman Levy advised that it would be wrong of Council not to have ideas for not having this crisis on a regular basis. The Mayor has many ideas and everyone is coming up with ideas. This deficit was not built in a day and it is not going to go away in a day but we have to take progressive steps now to work towards it. Every person on this dais has said a form of that and is committed and dedicated to that. His idea was that we not pay for dependents and family for any new employees after October 1, 2012. Currently, we pay close to $6 million per year for dependents and families. If we no longer do that think how much money we would save in the long run. Councilwoman Moody was the advocate of starting what is called a Tier 2 pension plan. That would be saving more money if we hired more new people; this started January 1, 2010, where newly hired people in certain departmental areas did not get the same benefits of the pension plan of the people who were hired before that. It became a more acceptable type of plan and people understood that when they got hired. Rules are not changed in the middle of the game because people plan their lives a certain way. At the time people became government workers the benefits were security versus a lot of jobs in the private sector. We are also going to look at all of the insurance to where each individual employee would contribute 4% or 6% towards the costs of families. Everyone is working on this problem in their own sector; he tends to focus on health and safety and others on other things. We are going to come up with policy changes and those changes will be made.

Mr. Herman mentioned that last week when Councilwoman Moody said directly to the Mayor that she does not listen to any of Council's suggestions was very concerning.

Councilwoman Moody does not know why the Mayor does not listen to any of their suggestions. Since 2005 she has been saying that we need to change the way government works. The last time she voted for the millage was in 2007 and that was after a referendum vote on 2006 by the taxpayers who wanted their taxes to decrease, which was done. She apologized to all of the residents because she has failed them. For the last six years she has been saying that the way government works has to change. All of the governments are 75% to 80% personnel costs and there are other service businesses out there and their personnel are not 75% to 80% of personnel costs. What has to happen is the way of delivering services. She thanked Councilman Levy; she did not want to go to a Tier 2 program; she wanted to go to straight salary and a 401k program for certain employees. It is a very delicate balance. General Employees include some of our First Responders, Fire and EMS. FOP is the road patrol and sergeants; they have a contract. She was going to give every employee a 5% or 10% pay raise but the benefits have to be cut. The argument saying that government employees do not get paid as well as the private sector is no longer true. We need to start with benefits. When Mayor Bendekovic became Mayor she asked us all for ideas to decrease costs and increase revenue. Changing some things was discussed but no one ever wants to say the things we have to do. We need to change the Employee package; we need to change the Executive package. She does not mind paying people more because payroll costs can be estimated; you cannot estimate health care benefits, return in investments, etc. For the taxpayers to be liable; we are all liable for the pension plans because we have to guarantee those benefits. There has to be a cut off date because there are some people who have been here for many years and should receive those benefits. People who are not vested should be changed.

Antonia Hernandez, resident, was present. She has lived in Plantation with her parents for 45 years. Since her parents passed away last month she can no longer afford to live in Plantation and is moving to Davie next year.

Jerry Fadgen, resident, was present on behalf of himself as well as for Citizens For Reasonable Taxation. Following last week's meeting he was very disappointed with the action this Council took. Many people are angry with a vote that was taken last week; they were hopeful that Council would come to a better result. Recommendations were given from about five or six residents, which was basically disregarded and the vote was taken for the 22% increase. He questioned whether Council can assure everyone with a high level of confidence that we will not be in the exact same position next year.

Councilman Jacobs indicated that we will not be in the exact same situation because, as Mr. Shimun and the Mayor have said at every one of these meetings, immediately after the beginning of the New Year this Council will begin looking at the hard decisions. Administration is coming back with the way the City does business and we are going to go through it step by step and figure out to change the City does business so that we will not be in the same position we are in now. He has had personal meetings with Mr. Shimum where he has laid out in more detail exactly what his vision is for those changes.

Councilwoman Moody commented that when Mr. Shimun was hired everyone had an opportunity to talk to him. She told him then that things have to change and she takes offense to saying that we are going to wait until after the budget and until after the New Year. We should have been doing this for nine months.

Councilman Jacobs stated that 25 positions were eliminated, which saved $1.5 million for this budget so there was change.

Councilwoman Moody advised that the Mayor runs the day to day operations and that was her choice. If those people who were let go were asked if their pay were decreased 2.5% to 5% or 10% would you rather stay and have a job they probably would have stayed. Unless the way we pay employees changes the problem will not be solved.

Councilman Jacobs agreed and stated that it is going to happen.

Mr. Fadgen agrees that things have to be done but they have to be done now; tonight. He urged Council to declare an emergency; we are in a financial crisis and to be clear, this is not the time to be in denial. The appropriate actions need to be taken now for the financial crisis that we are currently in. He also urged Council to vote on a millage rate of .5 mills, which is 8.3% higher than the current millage rate charged. In response to Councilwoman Moody's apology, which is accepted, he urged Council to make the motion and vote for a .5 mill increase.

Robert Juskiewicz, employee and resident, was present. In 1985 the millage rate was 1.83 and the tax base was $1.9 billion. Then in 1995, coming out of the recession, the millage rate went to 3.9 despite the fact the tax base came back to $3.4 billion. We are in the same cycle only we have not doubled the tax base as was done in the last recession. During previous Workshops it was said that 1.5 was needed and there was a plan towards recovery; however, that was not done and the millage rate was set at 1. In 2010 we had a chance to go to the roll-back, which would have generated $3.3 million that could have used. Instead, we did the politically popular things and let taxes stay the way they were and lost that $3.3 million. Not only did we not get the $3.3 million, that same year we took $2 million out of reserves for a total of $5.3 million. Eventually there comes a time when tough decisions have to be made. Taxes have not been raised enough to maintain and nothing has been done as far as capital. We can cut from some of the employees but more cuts means more upset people.

Louise Scott, resident, was present. She spoke in favor of keeping the Community Center open and commented that it seems like no one knows what to do with that area. She does not feel that the Community Center should be closed unless it is going to be torn down and replaced with something that can generate more money. The money saved for closing this facility is a drop in the bucket when more income could probably be generated if enough attention was put into it.

Tom Armstrong, resident, was present. He indicated that he has always been proud of vision and every Council that has ever come along had the ability to have vision. It was not always used but it was vision. The truth is in the math. He mentioned 2006, 2007 and 2008. Each year Administration has proposed a millage that is somewhat higher than has been accepted. Frank Veltri said the greatest wisdom when Rae Carole became Mayor; he said, "Take a little extra each year so that you are preparing for the future". He built reserves and they lasted. This mess started in 2006. If we had appropriated .25 mills each year we would have enough money today; do the math. This City has always been run efficiently and it will still run efficiently if the math gets back on track. Increase the millage a quarter of a mill each year and this condition will never happen again. The problem is that it is popular to say, "I'm against taxes". Beginning in 2006 we did the roll-back and everyone was happy. He reiterated that a quarter of a mill set aside each year will solve the problem.

Councilperson Stoner commented that when you say the numbers reflect themselves and this began in 2006; that is when Mayor Armstrong was in office. In 2003, 2004, 2005 and 2008 there was a 5% increase for employees and in 2006 the increase was 7%. The benefits package became larger and taking from reserves became habitual. Mayor Bendekovic inherited a lot of problems. In the prior years there was definitely a strong Mayor who ran the City as she pleased with little or no regard to some of Council's comments. While there is some discourse as to how to get back on track, she believes that we all have the same goal.

Dennis Conklin, resident, was present. He stated that although the focus for the last weeks and months have been over the General Fund and a $10 million to $15 million deficit, it is important to point out that the City's complete budget is comprised of tonight's main event, the General Fund and another even larger amount of money. From the Citizen's Report the City projected a total amount for this coming year as $178,017,730. This year the amount is about $92,526,399 and that is why the City is looking to increase the General Fund $4,340,420; a 5% increase over last year's General Fund, which comes from our taxes. The problem is long term systemic shortfall. He was particularly encouraged during one of the Mayor's statement during the first budget presentation this year when she said, "More and more of the General Fund is taken up by salaries, wages and benefits"; however, no plan to remedy Plantation's condition was presented. Instead, the request for a 1.5 mill tax rate was made. Salaries from the General Fund go from this year at 73.9% to 80.5% next year. That is 8.9% out of the General Fund for one year. At that rate, the City is facing 100% of the General Fund for salaries, wages and benefits in just a few years time. During the previous meeting residents, in short, said cut the spending and the City's wages and pension plans need to be overhauled. The City has raised the objection that everything has gone up in price but price increases are not what is going on now. This is inflation and government is driving the inflation with its insistence for more to cover unsustainable government benefits and projects like the new storm water management utility. He requested that Council reject the millage increase and like one of the residents proposed, cut the budget; do not fire anyone and bank $1 million.

Robert Knox, resident, was present. He believes that a tremendous number of suggestions have been made in the last few weeks and he has yet to see any of them be proposed and implemented in the budget process. To him, this is a waste of time. The money is going fast and he wants to be sure that there is still some left. He hopes that Council will consider the fact that we do not want to be in the same situation next year.

Rico Petrocelli, resident, was present. He advised that in 2005-2006 he and Councilwoman Moody said that something needs to be done. He is curious how the budget will be done without knowing the FOP costs; in his opinion that is backwards. Mr. Shimun should have started on this right away, we cannot afford another year. The FOP provided recommendations; however, no one has listened and not one suggestion has been discussed. There are $1.7 million in cuts listed. If money is going to be cut,then save the tram. Those people are the ones that do not have cars and are depending on the tram. He believes that the millage rate could be brought down another half a point. We have to help the people in need. The business community cannot take 22%. Get involved and make cuts tonight.

Michael Pollio, resident, was present. He does not feel that he is against the 28% or 24%. Realistically, we need to increase the millage but not right away. He likes Councilwoman Moody's approach in looking at cuts to employees. During the housing boom in 2006-2007 many people took out loans and made lots of purchases. He questioned the salary of the Mayor and asked if she is going to take a pay cut. He also questioned the budget before the so called housing boom.

Mayor Bendekovic advised that the general budget in 2006 was approximately $74 million; the total fund was $177 million and ad valorum taxes were $30 million. As far as her salary, she is a strong Mayor.

Councilman Tingom indicated a strong Mayor is the person who has the final say on personnel and budget decisions and is responsible for presenting the budget.

Virginia Weinstein, resident, was present. She indicated that she is disabled and her husband works the best he can as he has a chronic illness and is considered life insurance wise, uninsurable. Every day he works it is another day they are preparing for a State of Emergency potentially in case something happens to him. She questioned what putting our City in a State of Emergency means.

Mr. Shimun advised that under the State law, a State of Emergency would mean that you are in danger of not being able to pay your bills.

Councilman Jacobs stated that the City has a lot of reserves but they are all encumbered reserves; they are tied up in special places. The unrestricted reserves are the reserves we speak of when we say the reserves have been spent and there is only a little over $1 million left in reserves. The City is not near the point where it has to declare a State of Emergency under State law. In his opinion, that would be way too premature because essentially we would be saying that the City cannot continue operate and the State needs to come in and take over the operation.

Councilman Tingom commented that in a State of Emergency the State comes in and oversees every bill paid and all of the income taken in. It is a highly marginalized operation because you do not have control over the budget anymore at all. He noted that the reserves have been spent for the last four years and no matter who sits on the dais bears that responsibility and accountability. We did not do well with taking from the reserves to balance the budget. The other two things we have not done very well with are investing in our City with capital and infrastructure. Less than 1% in has been invested on capital and infrastructure for the past three years that he knows of and at some point and time the infrastructure and capital that has not been replaced is going to come back to us.

Ms. Weinstein questioned whether Council has an idea of what can be done because she has always learned that if you are not part of the solution you are part of the problem.

Councilman Jacobs indicated that all of the issues have been discussed quite a bit; he did not recognize anything tonight as new. With a 1 mill increase a balanced budget was presented, which does not draw on reserves. The math is very simple. For every .2 mills that we do not raise it, we have to find another $1 million somewhere. Over 70% of our operating expenses are for employees.

Ms. Weinstein said that her suggestion would be instead of this big hit to ease into it and if there is an ability to take from the reserves, to take a little for the next four years and things will go back to where they should be.

Councilman Jacobs commented that her suggestion is an approach but it is unpopular to raise taxes. The reserves he was talking about cannot be used.

Councilwoman Moody stated that there is only $1 million in reserves. We used over $10 million in reserves for the last four years.

Mark Weinthal, resident, was present. From what he has heard, the City of Plantation has done very little to react to the increasing cost and the decrease in income. The Council and Mayor need to look at every program and determine whether it is necessary and if it is being used. Every contract needs to be reviewed. When you hire people to do a job let them do it. Determine whether every employee is productive and make the appropriate changes with regard to the City Attorney's fees. Health insurance for everyone is a must; paying 90% + for their family is out of line; that does not happen much in the private sector. Plantation needs to put a cap on how much money the City of Plantation will pay for health insurance for each employee and for the family. As far as existing pensions go, you cannot touch it but you can look at ones for the future. This is a business and must be treated like one; protect our City assets. Do not cut everything; look at what needs to be cut and do the right thing. The City of Plantation can no longer afford perks for employees; look at who gets car allowances and think about doing away with that as well as the take home cars. When times are better they can be given back. Everyone has had to make changes of some sort in their lifestyle during the last few years; it is time for the City to make theirs. Asking residents for an increase in the millage rate should not be the only answer to balancing the budget; costs must be cut within. The Mayor is our CEO. She has asked for suggestions from the City Council, which were given and ignored. If the Mayor and staff are not willing to reach any suggestions and make the tough cuts what are they going to do next year? In order to balance the budget we need to make change; without change we will be in the same situation. Do the right thing; make the tough decisions and do not keep taxing our citizens. He was in favor of Councilwoman Moody's suggestions.

Councilman Jacobs thinks it is important to mention that there are $7 million in cuts in this budget; it is not that the City is working on the side of raising taxes to balance the budget. The question is if taxes are not raised we have to come up with about $6 million more and that is not so easy.

Councilman Levy advised that Council heard everything he brought up during this meeting. Health benefits were mentioned and different levels were mentioned on things that were said. It appears as if Mr. Weinthal is agreeing with what Council has said; that they have already asked and already looked at. Council is not just sitting here and doing nothing. We have been at this process for months. This is a very different budget than the first one proposed and it is millions of dollars less than what was originally proposed.

Mr. Weinthal stated that there are quite a few people who have studied the budget hard but no one is listening to what they have to say. Making decisions is not easy and the City needs to make the appropriate changes. When times get better people can be rehired and raises can be given that are deserved. There is a time and a place for everything.

Councilman Levy indicated that he has come up with a solution and it has been proposed to the Administration. He has proposed millions of dollars worth of cuts so this does not happen again and credit is not given to Council when saying keep looking and doing. The City has people they have to service and provide the quality of life they moved to Plantation for and everything goes up while we did not go up enough. The problem is that we have to put enough in this budget so that we can work out an appropriate FOP contract without knowing what the different elements of that contract will be. He would have preferred to get the FOP contract out of the way earlier and for everyone here the FOP contract is very important. It affects a lot of people and lives and certainly affects the bottom line of this budget. We have been in a number of meetings working with that. The FOP has made a lot of concessions and the City is working with them and hopefully we will not have to declare a State of Financial Urgency because that will impose restrictions on the police and we do not want to do that. A final recommendation cannot be determined tonight even though, by law, a vote has to be made because October 1st is the new fiscal year.

Mr. Weinthal understands the dilemma but noted that we can always strive to do better. He reiterated that Council has to protect the assets of the City. He is not saying cut everything. The reason many people moved here is because of what the City offers.

Councilwoman Moody commented that the residents who spoke tonight seem to be very rational people and she does not think that rational people are against understanding and approving an increase if they understand what will be done to change this. She requested that Mr. Shimun enlighten us how we are not going to be in this same shape next year.

Mr. Shimun advised that a strategic planning process has been initiated. One part is to take a collection of everything that we do so we have a basic understanding of all operations of the City, what they cost and what our people are doing. That will be brought to Council to discuss at which time we will go through each and every operation and department within the City, review the operations and go through a process that will help to determine which ones you think are important and which ones are not. Throughout that process it will be open to the public and you will be able to express your opinions. We will look at all aspects, everything from benefits paid to employees to the operations that we do and do not want to do. Before next July a plan should be in place.

Councilwoman Moody questioned whether they could also have some options on reviewing what the departments do as far as job descriptions. She questioned privatizing some of those members. We all have a good understanding of what departments do.

Mr. Shimun stated that several options were brought back with earlier presentations about privatizations that could be considered.

Councilwoman Moody commented that she was one of the people who said that there are some departments and positions that we should look at.

Mr. Shimun indicated that the public needs to understand that individuals do not make a decision on a Council; it is a collective Board and each one of you discusses this amongst yourselves in a public venue and comes up with a plan. Not one of you is supposed to or has the authority to direct staff to do anything; it has to be done collectively. When a plan is come up with collectively, staff has to do what they are told.

Councilman Levy stated unless it is vetoed.

Mr. Shimun noted that Council would then have the opportunity to override the veto.

In response to Councilwoman Moody, Mr. Shimun stated that if 1 mill were approved that would mean that we are about $850,000 short.

Councilwoman Moody mentioned that .08 mills would be short by $2.8 million and 4 mills would be $4.8 million.

Councilman Jacobs indicated that Mr. Shimun did not say it exactly the same way he had it during a discussion where it was mentioned about taking the strategic plan the Council would prioritize or rank from top to bottom everything that the City did and all of the stuff at the bottom would be discussed whether or not to stop doing it or do it differently.

Mr. Shimun stated that any order can be taken and assuming that the process works the way it normally does, there will be those that fall to the bottom as being the lowest priority but a decision still has to be made on those.

Mayor Bendekovic advised that this will happen during multiple sessions. We plan on starting the discussions at 6:30 p.m. on Wednesday for an hour prior to the Council meetings that begin at 7:30 p.m. Once the strategic plan is completed and the goals are set we will start piece by piece through the process and Council will prioritize so that the goals will be set for the budget for the following year. Recommendations were brought to Council this year along with generating revenue options and it was indicated that a budget would be brought back. Budget options were also requested and that is where they are right now. A consensus is needed as to whether we are going to move forward with the tram, Council furloughs, commuter fee, etc. Some type of direction is needed.

Councilwoman Moody mentioned the ten acres with an estimated $932,180 and questioned where this figure came from. She questioned whether any of the ten acres have wetlands on them.

Mayor Bendekovic indicated that the information was from the Broward County Property Appraiser. They realize that the figure is low but she would rather go low than high. There are wetlands because they got that in a swap with Broward County.

Mr. Lunny believed that a credit was paid when we made the regional offsite mitigation area for Volunteer Park.

Mayor Bendekovic requested that we go through the suggestions in an attempt to get a consensus.

Councilperson Stoner liked the idea of keeping the tram part time because there are people who utilize it.

Councilman Tingom stated that he has spoken to a number of groups and people about riding the tram and he would like to actually ride the tram to see where it goes and whether or not the usage is what it appears to be. He has heard from many residents that they either see one or no people on the tram. He has not seen any large ridership but thinks that we should analyze the roots. He question whether we would still be eligible for these funds if we were to reduce the tram to one route and make it only in the City of Plantation.

Mayor Bendekovic thought that we always have to connect with the Lauderhill transit.

Councilperson Stoner commented that we do not approve that; the route has to be approved by the County.

Mayor Bendekovic noted that approval is a very long process.

In response to Councilman Tingom, Mr. Levitt advised that once the route is decided all it takes is a letter to Chris Walton, Director of Broward County Transit, and it is usually rubberstamped. They will work with you but they want the tram to connect to bus routes but it does not have to be all bus routes.

Councilman Tingom questioned whether we would be able to keep the tram within Plantation if the stops were along State Road 7 and at the Westfield Mall.

Mr. Levitt believed that as long as the stops connected in certain places they would definitely allow the change. Currently there are four busses and you might want to go to two busses or you might want to cut weekends because ridership on Saturdays is not what it is during the week. Currently the rate for the City is $31 per hour; Broward County provides the vehicle and gives you $15 per operating hour towards it. Currently the tram is on 72 hours per week; four busses run 12 hours per day and two busses run on Saturday for 12 hours. For every hour the busses operate the County will pay $15 per hour. If the hours were cut by 20% the County would proportionately cut what they give but they also supply the bus. He has never seen a City get the money back once they lose it. A lot of cities lost the money because they did not have seven passengers per hour and when you do not have that the County actually takes it away.

Councilperson Stoner suggested that in the past one of the City's goals was to promote foot traffic through Midtown. With that thought, why wouldn't we extend the tram to go over to the Fountains?

Mayor Bendekovic commented that perhaps we need to work towards a dollar figure.

In response to Councilperson Stoner, Mayor Bendekovic stated that the tram can be discontinued at any time; we have to give 30 days notice.

Councilperson Stoner suggested re-evaluating in four to six months and if it is not working we could feasibly terminate.

Ms. Caravella advised that Broward County can be cancelled in 30 days. Limousines of South Florida are contracted out for renewal.

Councilman Tingom suggested that we have one route that would stay within Plantation and touch the areas where Councilperson Stoner suggested; the Fountains and the Westfield Mall.

In response to Councilperson Stoner, Mayor Bendekovic indicated that we do not have any way to determine if the riders are our residents. Many of them get on at the Lauderhill stop and a lot are also school children. Many people use the tram to get to work in the morning and to get home in the evenings.

Councilman Jacobs suggested that if anything was going to be done, eliminate the tram entirely. A route change creates chaos for people using the system. The City is in the business to provide services and he believes that the people we serve with this tram are a group that really needs the service; it is not frivolous. He would be opposed to eliminating the tram.

In response to Councilperson Stoner, Councilman Jacobs stated that for budgeting purposes he does not think it makes sense to go part time. He believes that the smart way to approach this is to eliminate it entirely or leave it alone.

Councilman Levy questioned whether ridership goes up on the trams during the holiday season.

Mr. Levitt stated not really; the ridership is pretty constant. There is a lot of usage from the west terminal where the Broward County busses come in and bring people to Plantation. A lot of people get off of those busses and get onto the tram to go different places. He can get the statistics and noted that they are currently monitored by Broward County and are real numbers. The tram averages 14,000 riders per month. If the tram is eliminated a lot of people will be stranded.

Councilman Levy noted that it is a tough decision because we are looking at savings but do not want to hurt the people who need the help the most.

Councilperson Stoner commented that it is a free service at this point and they do have public transportation so they are not completely without if we choose to eliminate the service. There are other options that are affordable.

Councilman Jacobs stated that the people would have to walk a long way to get the bus. These routes were done along with Broward County to supplement the main busses.

Councilman Jacobs was in favor of keeping the tram.

Councilwoman Moody, Councilperson Stoner and Councilman Tingom preferred to eliminate the tram.

Councilman Levy would like to keep the tram and review it in six months.

The consensus was to eliminate the tram.

Councilman Tingom announced that Virginia and Brian Weinstein sent a note thanking the Police and Fire Departments for all they do for our City.

Mayor Bendekovic advised that furloughs have been implemented for the General Employees.

Councilman Tingom was in favor of six days for Council furloughs.

Councilperson Stoner believed that if three days is good for General Employees three is good for Council.

Councilman Levy concurred with Councilperson Stoner.

Councilman Jacobs stated that he would go either way.

Councilwoman Moody was in favor of three days.

There was a consensus to go with a three-day furlough for Council.

Mayor Bendekovic needed direction on the option; it has to go to the Collective Bargaining.

Councilman Tingom advised that he received research from different departments and within the City we have approximately 30 cars for Department Heads and other Fire personnel, etc. Approximately 15 of those people live in the City of Plantation, six live within eight miles and ten live outside of the eight miles. He proposed that everything outside of eight miles be charged at 55.5 cents per mile and deducted from their pay.

Councilman Jacobs noted that would be Option 2.

Councilman Tingom stated that with the Police Department there is 175 cars, of that 60 are over eight miles and 47 live in the City of Plantation. He would recommend taking away the cars for people who live over eight miles unless the FOP wishes to sign a Memorandum of Understanding and then charge55.5 cents per mile for everything over eight miles on a basis.

Councilman Jacobs commented that we can, without any problem, take away take home cars now. We do not have to negotiate that in a contract.

Councilman Tingom clarified that anyone who travels under eight miles is fine and that is 115 of the people. The other 60 people live over eight miles and they can either come to work themselves and then go to work or if the FOP wants to step up and sign a Memorandum of Understanding we could charge 55.5 cents per mile.

Councilman Jacobs does not think the second part can be done. The cars can be taken away.

Councilwoman Moody stated that she is uncomfortable speaking about anything regarding the police even though we can legally do so. She does not think this is the time and place; we are in contract negotiations. This could be leverage or it could be nothing but she is not prepared to do anything with the police right now.

Joe Mercogliano, President of FOP, Lodge 42, was present. As far as take home cars are concerned, there is more to it than just taking back the cars. There are K-9 officers who have take home cars that do not live in Plantation; there are SWAT officers; Crisis Response Team; Detectives, etc. There are several officers who rely on these take home cars who do get called out in the middle of the night. To take away the cars is not the answer. As far as signing a Memorandum of Understanding, they are not prepared to do that tonight. If the Mayor wants to call tomorrow to discuss and negotiate that would be fine. As far as 55 cents per mile, according to research he has done, that is the IRS reimbursement rate to deduct off of personal income tax. He does not know if that is applicable to charge an employee 55 cents per mile when it is generally used to reimburse an employee and/or deduct it on their taxes. That is something that will need to be negotiated as either part of the Collective Bargaining process or the Memorandum of Understanding.

Councilman Tingom stated that he does not think that the City should bear the cost for the gasoline, maintenance and wear and tear on the cars, especially the ones that drive over 100 miles per day.

Councilperson Stoner commented that anything out of Broward County should not be allowed.

Councilman Tingom indicated that if we cannot come to an agreement it would be his recommendation to take the cars away. Unless FOP is willing to sign a Memorandum of Understanding, his opinion would be until October 1, 2012, to park the cars and people come into work, including police.

In response to Councilman Jacobs, Mr. Mercogliano explained that the present policy that is agreed upon between the FOP and Police Administration is that all new hires, after October 1, 2010, have to live within Broward County and there are those who are grandfathered and live in Palm Beach County.

Councilwoman Moody noted that there are only about ten people out of Broward County. She questioned whether we going to penalize our police because they live over eight miles.

Councilman Jacobs believes that since the new policy as of 2010 that police do not take a car home outside of the County then the General Employees should follow that same rule. He questioned Mr. Shimun as to Administration's recommendation on the commuter fee.

Mr. Shimun did not know that they had a specific recommendation because they are offering these to Council. This is a policy decision by Council.

Mayor Bendekovic stated that Option #1 was the original that the FOP brought several years ago and we just used that one again. Option 2 is the one being discussed; the other option is no take home cars and the price of gas and the last option is parking all cars.

Councilwoman Moody commented that Option #1 would save $10,000; Option 2 would save $17,800; Option 3 would save $25,000 and Option 4 would save $29,000. We need to save a lot more money than that; therefore, we should move on. She noted that we cannot have cars going out of Broward County.

Councilman Jacobs and Councilman Levy agreed.

There was not a consensus to move on this issue.

Mayor Bendekovic mentioned employee health benefits. With the FOP, the employee Collective Bargaining can count the spouse and family and we can go up 24% for each spouse and family.

Councilperson Stoner indicated that most employees pay 25% of the premium; 100% for dependent coverage and extra for dental, vision and long term disability.

In response to Councilperson Stoner, Ms. Caravella advised that the total yearly amount for all of these benefits is $11.5 million. This includes every employee, spouse, family, vision, dental, health, disability, Workers' Compensation, the Wellness Clinic and prescriptions, which is offset by the reimbursement.

Councilman Jacobs questioned whether there should be a consensus if Council wants to require a contribution. If there is a consensus to do so, we need to come up with a number.

Councilman Tingom was in favor of having a contribution from the employees.

Councilwoman Moody was in favor of a 20% contribution for employee, spouse and family.

In response to Councilwoman Moody, Ms. Caravella indicated that new employees will contribute 10% towards health insurance. A breakdown was not available.

Councilman Tingom believed that 20% was somewhat unreasonable since we are adding three furlough days. He believed that 4% for the employee and 4% for the other person would generate dollars. He would even be willing to go with 4% for employee and 6% for spouse and family; he thinks that 10% or 20% is too much.

Ms. Moale advised that the figures she provided for the 6%, 10% and 4% did not include FOP. The $305,000 the 6% would have generated is only General Employees. Currently 4% brings in about $203,000 and adding another 2% is another $100,000.

Councilman Levy questioned whether anyone was considering his proposal of new employees after October 1, 2012, not paying for spouse or family.

Councilman Tingom commented that sets up an inequitable situation for new hires and he is afraid of attracting new employees by placing that burden could become difficult. He feels it should be a plan across the board.

Councilman Levy stated that in every City he knows of, this is normal procedure. They have no problem because they put out Cafeteria Plans and other options; they help the person find whatever they need for the best price. He believes in not taking away the job but cutting the benefits so people can save their jobs and look for other programs that the State has regarding their choice for their children's insurance. He does not believe in cutting jobs in order to save benefits; that does not make sense. As far as present employees, he believes that the present employees deserve the health benefits but the spouse and dependents should be 6%. New employees do not get any spouse or dependents. He feels an obligation to the employees. It is a benefit that single employees do not get and we are paying hundreds of dollars a year for people who happen to have children and a spouse. We cannot afford to give to the children and spouses anymore but do not take away from the people who already have it.

Councilwoman Moody agreed. She would like to see a little higher percentage because the employee, spouse and family, 12 years and older, can use our Wellness Center. She could even look at 8% or 10%. She also would rather cut benefits and not jobs.

In response to Councilman Jacobs, Councilman Levy clarified that the proposal is that a new employee can purchase family coverage but they have to pay 100% of the premium. Currently we are paying close to $6 million for family and dependents.

Mayor Bendekovic suggested doing 6% for spouse and family and the FOP, that way the FOP and the General Employees have the 6%. When new employees come in and have to pay 100% they will not be able to do so.

Councilman Levy stated that there are currently cities that do not provide that benefit and they have not faltered in any way in hiring new employees. They help the employee find insurance for the spouse and dependents at the best cost and they may even negotiate that for them but they do not pay it.

Councilman Jacobs commented that the Mayor's suggestion was to do 6% for the police families also.

Councilwoman Moody questioned why not discuss that at contract negotiations. We do not even have the numbers for everything else for the FOP. She reiterated that we should only be discussing General Employees at this time.

Mr. Mercogliano advised that they are all right with 6% for family and spouse. It is within the confines of the Collective Bargaining Agreement. Employee coverage is set at 100% of the premium that the City pays; as far as dependent coverage it is up to 24%.

Councilwoman Moody reiterated that she was not comfortable discussing this right now because it can be used as leverage. She believes we should do 10%.

Councilman Jacobs believed that it should be discussed. He questioned the family costs.

Ms. Moale advised that the cost of an employee only is $662 per month; family is $1,928 and that includes the $662, which is roughly $1,300. Family covers children and a spouse.

Councilman Tingom stated that he was comfortable with 6% for all employees.

Councilman Jacobs and Councilman Levy agreed.

Councilperson Stoner agreed with a caveat that the dental, vision and disability are extra for everyone.

In response to Councilman Jacobs, Ms. Caravella indicated that the savings would be $305,000 for 6% and for FOP it would maybe be $150,000.

Councilman Jacobs commented that we would need $120,000 more if we were to raise the mill one mill.

Councilman Tingom did not believe that the Maximus numbers were correct for the Plantation Midtown Development District and Plantation Gateway Development District and believes we could come up with the additional $100,000 charging not what it says here but what might be computed as reasonable by the Budget Director.

In response to Mr. Lunny, Councilman Tingom commented that in his opinion, the millage would not have to be raised in those two Districts.

Councilman Jacobs noted that the presentation said they do not have much cash.

Mayor Bendekovic advised that the millage would have to be increased and you do not want to do that with Plantation Midtown or Plantation Gateway.

Councilman Jacobs stated that so far we have eliminated the tram and added a 6% contribution.

In response to Councilwoman Moody, Mr. Lunny indicated that the property to be sold is already in the calculations.

Mayor Bendekovic noted that the commuter fee had to be removed because no decision was made. All of those items are in the budget as we speak right now. The tram gave $220,000 and the contribution gave about $450,000. Take $88,000 away because that is what was in the budget.

In response to Councilman Jacobs, Councilman Tingom stated that we need to find another $180,000.

Councilperson Stoner questioned the total number for dental, vision and long term disability.

To the best of Ms. Moale's recollection, the dental with the PPO and the Advantage Plan is roughly $800,000 and the vision is about $100,000.

In response to Councilperson Stoner, Ms. Moale advised that the long term disability is about $100,000.

Councilperson Stoner noted that if people contribute to each of the three there is the $180,000.

Ms. Caravella indicated that when you say a contribution of 4% or 6% that includes the vision, dental and long term disability.

Ms. Moale advised that employees pay 24% on the dental and vision.

Councilman Levy stated that Councilperson Stoner is saying that the $180,000 could be made up by paying 100% of the vision and dental rather than 24%.

Ms. Caravella stated that she looked over the fund balances for the Plantation Midtown and Plantation Gateway and they do have enough money to pay some if you want to do a cost allocation.

In response to Councilman Jacobs, Ms. Caravella indicated that both Districts have enough to pay their full share.

Councilman Tingom was not recommending they pay their full share and he reiterated that he does not trust the Maximus numbers. He recommended they pay 50% of what is shown and that would give us approximately $100,000.

In response to Councilperson Stoner, Councilman Tingom advised that the money is used for costs such as water, electricity and maintenance. Plantation Gateway also supports the office on State Road 7. The Plantation Midtown District supports a number of things; they purchased the land behind Pine Island Park and they also have electricity, water and maintenance fees.

Councilwoman Moody commented that elections could be moved to November and that would save $120,000.

Councilman Jacobs stated that moving the elections would not help. People do not understand that if elections are moved to November it makes it much more expensive for someone to run for City Council. If people who want to run for Council cannot afford it because they have to mail so much to three or four times as many people to be competitive, moving elections to November guarantees people in office to be re-elected.

In response to Councilman Jacobs, Ms. Slattery indicated that the November ballet is going to be roughly 14 to 15 pages double-sided.

Councilman Tingom believes that after the November election we should look at the voter drop off between Presidential, City Council and other cities because usually between 40% and 60% of people who vote for the President do not vote for the City Council because the ballet is too long. He agrees with Councilman Jacobs.

Councilman Jacobs thinks that people should be encouraged to run for City Council, not make it more expensive.

Councilman Levy commented that Council would be the last in line for a printer, signs and locations because they get a lot more from the Senator candidates, the Governor and the President.

Ms. Caravella clarified that we are going to eliminate the tram; leave the Council furloughs at three days; implement 6% for dependents and spouse across the board; charge Plantation Midtown $75,000 and Plantation Gateway $30,000.

Councilwoman Moody stated that when people start using their personal car in business, even though they are paid a monthly fee, we have to be very careful because their personal cars need to be rated business use for

insurance purposes. If they get in an accident using their personal car and it is rated personal use an insurance company can deny and people involved in the accident could sue the City. The employee needs to sign a piece of paper stating that they have contacted their insurance agent and their vehicle is rated as business use.

Councilperson Stoner thought the spirit of the cars was to be limited to the Directors and the first responders because we have people listed who are not Directors. Maybe we want to review the Executive Packages and anyone coming in does not get a car.

Councilwoman Moody believed that this is a discussion for another night.

Councilman Tingom concurred with Councilwoman Moody.

Councilman Levy stated that we have come very close to what we need to do; they have their figures. Rather than get into more subjects at this time, he feels this is parcel of our new systemic review and we can do it at that point. What we have done so far has met the goals but we need to vote on the millage rate so we know whether we have given enough or if we have to do more.

Councilman Jacobs commented that if we stop here we have to raise the millage rate one mill.

Councilperson Stoner noted that one thing not on this list is the review of legal fees, which are over $1 million per year. She questioned when that is going to happen.

Ms. Caravella advised that legal fees were reduced almost $200,000 from last year for this year's budget.

In response to Councilman Jacobs, Mayor Bendekovic stated that they are broken down.

Mayor Bendekovic stated that Brinkley Morgan is $435,508; Bryant Miller Human Resources for $30,000; one Special Magistrate receives $900; another one receives $2,270 and another one receives $600. Risk Management has one attorney for $2,206; another attorney for $101,000; and the last one is $8,936 for a total of $612,000.

Ms. Caravella believed that about $730,000 was budgeted. The figures mentioned were not for the full fiscal year.

Councilperson Stoner questioned whether we have written contracts with all of these people.

Mr. Lunny advised that there is a retainer letter with Brinkley Morgan and the firm has undertaken various cost cutting measures year after year. The numbers reflect that their fees are coming down and they are going to continue to try to affect those. The legal fees overall for this City include things such as all different firms in-house costs with the Police Legal Advisor, lobbyists, Risk Management and labor. Other cities do not necessarily account for the fees in the same way that we do because we are very transparent. Generally, he thinks that compared to other municipal corporations, the City is getting a very significant savings in the overall legal expenses and he thinks that there are not contracts in the way there are with "at will" arrangements. In terms of rates, his firm reduced their rates in 2007 and at the request of Administration to try not to be part of a problem and to be cooperative they have not raised their rates in five years.

Councilperson Stoner mentioned the parking lot and title insurance. Part of that title insurance is supposed to include some core services but attorney fees are also charged on top of that.

Motion by Councilwoman Moody, seconded by Councilman Tingom, to extend the meeting to 12:30 a.m. Motion carried on the following roll call vote:

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

Councilperson Stoner went on to say that this could be discussed later.

Councilman Jacobs commented that some people have said that the City should bring counsel in-house because that would save money as opposed to outsourcing or privatizing legal services. His opinion is that you hire someone and pay them a small salary and they will hire experts to do everything because they do not know how to do everything and he does not think that it would save money. It is something we might consider discussing.

Mayor Bendekovic indicated that in April 2011 a survey was done of all of the other cities that have in-house counsel and what they charge.

Councilperson Stoner questioned why that was never shared with Council.

Councilman Jacobs recalled the Mayor saying something about that.

Mayor Bendekovic stated that she is not hiding anything and would be more than happy to provide the information. It was done three weeks after she came into office.

In response to Councilman Jacobs, Councilperson Stoner emphasized that tearing down the Community Center at Kennedy Memorial Park was not voted on.

Mayor Bendekovic indicated that the reason it is in there is because we are closing it. All of the breakdowns and fees will be done on October 24, 2012.

In response to Councilman Tingom, Mayor Bendekovic stated that the Community Center will probably stay open until the end of October 2012.

In response to Councilperson Stoner, Mr. Shimun advised that it is technically approved if it is already in the budget and you vote for the budget.

Councilperson Stoner noted that is an open discussion and needs to be taken out of the budget. That was never decided.

Mayor Bendekovic indicated that if that is the case then we need to find another $235,000.

Councilperson Stoner believes that is the Mayor's job to find that money. Council has provided several suggestions.

Councilman Tingom understood that if we approve the millage that the Community Center will be a future discussion at that point.

Motion by Councilman Jacobs, seconded by Councilman Tingom, to approve Resolution No. 11563 with a millage of 5.6142 mills. Motion carried on the following roll call vote:

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

Councilman Levy noted that the one mill that has been proposed is, for the average home, about a $150 to $200 per year increase if your home is assessed at $200,000. This raise is not near what every other city charges just for a fire fee. One mill is a lot less than a fire fee and the Mayor has taken the fire fee thought out of the budget. The tax rate could easily be lowered and a fire fee could be charged; however, that cannot be deducted from Federal Income Taxes like you can if we go up one mill.

Councilwoman Moody commented that we will want to give the General Employees a raise; they have not had one in four years. Changes are being made but further changes will have to be made. The Mayor has had to let quite a few people go and positions have been eliminated. This is truly going to impact the businesses, which means they are going to pass it down. First Responders cannot be called General Employees and they cannot be paid the same or have the same benefits as someone who sits behind a desk.

Motion by Councilman Jacobs, seconded by Councilman Tingom, to approve Resolution No. 11564 with the final millage rate of 1.2461. Motion carried on the following roll call vote:

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

Motion by Councilman Jacobs, seconded by Councilman Tingom, to approve Resolution No. 11565 with the millage rate of 0.4072. Motion carried on the following roll call vote:

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

Motion by Councilman Jacobs, seconded by Councilman Tingom, to approve Resolution No. 11566. Motion carried on the following roll call vote:

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

Motion by Councilman Jacobs, seconded by Councilman Tingom, to approve Resolution No. 11567. Motion carried on the following roll call vote:

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

Motion by Councilman Jacobs, seconded by Councilman Tingom, to approve Resolution No. 11568. Motion carried on the following roll call vote:

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

Motion by Councilman Jacobs, seconded by Councilman Tingom, to approve Resolution No. 11569. Motion carried on the following roll call vote:

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

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QUASI-JUDICIAL CONSENT AGENDA – None.

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QUASI-JUDICIAL ITEMS – None.

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COMMENTS BY COUNCIL MEMBERS

Councilperson Stoner appointed Barry Lethbridge to the Plantation Midtown Advisory Board.

* * * * *

Mayor Bendekovic thanked Council for making the tough choices. In January 2013 meetings will begin early so we can start on the goals.

Mayor Bendekovic advised that City Hall is closed on September 26, 2012; therefore, the next meeting will not be until October 10, 2012. The Plantation Community Center will be brought back on October 24, 2012.

In response to Councilman Tingom, Mayor Bendekovic indicated that is not a discussion; that is the Mayor's Council and she has advised 50 community leaders as well as Council. Participation is not required; however, we may be in the Sunshine. She is going to follow up with a Community Council in November 2012 at which time she will invite the same amount of residents and have them bring a guest.

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PUBLIC REQUESTS OF THE COUNCIL CONCERNING MUNICIPAL AFFAIRS

Dennis Conklin, resident, was present. He commented that Monday was the 225th birthday of the United States Constitution; "Constitution Day". In reviewing history, he noticed that President Barrack Obama and his Administration are violating the Catholic Church and its long held precepts. If this continues he feels that something will have to be done to end this elimination of our First Amendment Rights for the practice of our religion.

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Rico Petrocelli, resident, was present on behalf of Mark Levitt. Mr. Levitt did not introduce the fact that a letter signed by Mayor Bendekovic on May 30, 2012 extends the contract for a year. The letter is in reference to an Interlocal Agreement between Broward County and the City of Plantation".

Councilman Tingom requested that the letter be submitted to Mr. Shimun for review.

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SEALED COMPETITIVE SOLICITATIONS – None.

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WORKSHOPS – None.

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Meeting adjourned at 12:20 a.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