

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

January 6, 2010

The meeting was called to order by Councilwoman Bendekovic, President of the City Council.

1. Roll Call by City Clerk:

Councilmember: Diane Veltri Bendekovic
Jerry Fadgen
Robert A. Levy
Peter S. Tingom
Sharon Moody Uria
Mayor: Rae Carole Armstrong
City Attorney: Donald J. Lunny, Jr.

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2. The invocation was offered by Councilwoman Uria.

The Pledge of Allegiance followed.

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ITEMS SUBMITTED BY THE MAYOR

Councilwoman Bendekovic welcomed students from Nova High School Government Class who were here to observe government in action.

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Mayor Armstrong read a Proclamation designating January 17, 2010, as *Dr. Martin Luther King Jr. Remembrance Day* in the City of Plantation.

The Proclamation was accepted by Russell Keller on behalf of Plantation Interfaith Multi Cultural Committee.

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Mayor Armstrong announced Christmas tree pickup will begin on Friday, January 8, 2010 and will continue each Friday after that through January 29, 2010. Christmas trees can also be dropped off at the Public Works Department, 750 NW 91 Ave.

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Mayor Armstrong commented that the 2010 Census is drawing near and expressed the importance of every resident being counted.

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CONSENT AGENDA

Items # 4, 11, 12, 13, & 24 were removed from the Consent Agenda and discussed separately.

As a Commissioner of the CRA, Mayor Armstrong has a voting privilege on Items # 27, 31 & 33.

Mr. Lunny read the Consent Agenda by title.

3. Approve Professional Service Agreement for Deputy Chief James T. Larsen.
5. Request for authorization to purchase a replacement blower for the Holloway Canal emergency outfall at the Regional Wastewater Treatment Plant from TSC Jacobs, Inc. in the amount of \$19,900. (Budgeted – Utilities)

Resolution No. 10780

6. **RESOLUTION** pertaining to the subject of Public Finance; authorizing the Mayor to execute the State of Florida Department of Environmental Protection Drinking Water State Revolving Fund Construction Loan Agreement DW060530 after same is in a form approved by the City Attorney; authorizing and ratifying a lien in favor of the Department on the pledged revenues, which lien along with any other Department State Revolving Fund lien on the pledged revenues, are of equal priority, and will be prior and superior to any other lien, pledge, or assignment except as provided in the Loan Agreement; further making to the extent the pledged revenues are insufficient to make loan payments when due, a covenant to budget and appropriate legally available non ad valorem revenue which will be sufficient, together with the pledged revenues, to make required loan payments; making other provisions with respect to approving and executing the Loan Agreement and related documents; providing a savings clause, and providing an effective date therefore.
7. Award bid for electrical work to connect the emergency generator at the Development Service Building to low bidder, Electrical Contracting Services in the amount of \$27,340. (Budgeted - Utilities)
8. Award bid for Seminole Park bridge painting to low bidder in the amount of \$35,000. (Budgeted – Designated Capital)
9. Approve policy renewal for the City’s Boiler and Machinery Insurance with The Hartford in the amount of \$29,168.80
10. Approve settlement agreement with Estate of Mark Zimmer.

Resolution No. 10781

14. **RESOLUTION** confirming a Plantation City Lien of Utilities Service Charges for 10951 Broward Blvd. (Martin)

15. **Resolution No. 10782**
RESOLUTION confirming a Plantation City Lien of Utilities Service Charges for 920 SW 52 Ave.
(Billie)
16. **Resolution No. 10783**
RESOLUTION confirming a Plantation City Lien of Utilities Service Charges for 631 N. University
Drive (Taylor)
17. **Resolution No. 10784**
RESOLUTION confirming a Plantation City Lien of Utilities Service Charges for 7321 SW 16 St.
(Zagami)
18. **Resolution No. 10785**
RESOLUTION confirming a Plantation City Lien of Utilities Service Charges for 841 Oleander Dr.
(Perkins)
19. **Resolution No. 10786**
RESOLUTION confirming a Plantation City Lien of Utilities Service Charges for 7221 NW 11 St.
(Thibault)
20. **Resolution No. 10787**
RESOLUTION confirming a Plantation City Lien of Utilities Service Charges for 1000 SW 52 Ave.
(Thompson)
21. **Resolution No. 10788**
RESOLUTION confirming a Plantation City Lien of Utilities Service Charges for 9078 Vineyard
Lake Dr. (Goldsmith – West)
22. **Resolution No. 10789**
RESOLUTION confirming a Plantation City Lien of Utilities Service Charges for 4266 NW 2 St.
(Vassell)
23. **Resolution No. 10790**
RESOLUTION confirming a Plantation City Lien of Utilities Service Charges for 12220 NW 12 St.
(DeLucas)
25. **Resolution No. 10791**
RESOLUTION approving the expenditures and appropriations reflected in the Weekly Expenditure
Report for the period December 10 – December 16, 2009 for the Plantation Gateway Development
District.
26. **Resolution No. 10792**
RESOLUTION approving the expenditures and appropriations reflected in the Weekly Expenditure
Report for the period December 10 – December 16, 2009

Resolution No. 10793

27. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period December 10 – December 16, 2009 for the City of Plantation’s Community Redevelopment Agency.

Resolution No. 10794

28. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period December 17 – December 23, 2009 for the Plantation Gateway Development District.

Resolution No. 10795

29. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period December 17 – December 23, 2009 for the Plantation Midtown Development District.

Resolution No. 10796

30. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period December 17 – December 23, 2009.

Resolution No. 10797

31. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period December 17 – December 23, 2009 for the City of Plantation’s Community Redevelopment Agency.

Resolution No. 10798

32. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period December 24– December 29, 2009.

Resolution No. 10799

33. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period December 24– December 29, 2009 for the City of Plantation’s Community Redevelopment Agency.

34. Award bid for replacement of fuel tank located at the Police Department to the low bidder S & B Fuel Services for a total cost of \$34,505. (Budgeted – Designated Capital)

Motion by Councilman Fadgen, seconded by Councilwoman Uria, to approve tonight’s Consent Agenda as read. Motion carried on the following roll call vote:

Ayes: Uria, Fadgen, Levy, Tingom, Bendekovic
Nays: None

NOTE: Mayor Armstrong voted affirmatively on Items # 27, 31 & 33

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Mr. Lunny read Item # 4.

4. Request for authorization to accept up to \$50,000 in "matching" Savings Incentive Program (SIP) funding from South Florida Water Management District (SFWMD) for the 2010 High Efficiency Toilet (HET) Retrofit program and to execute an agreement for the program with the SFWMD.
(Budgeted – Utilities)

A memorandum to Mayor Rae Carole Armstrong and Council from Hank Breitenkam, Director of Utilities, dated December 28, 2009 follows:

It is essential that communities create a "culture of conservation" in order not only to conserve our precious water supply but also the high amount of energy required to treat and distribute our city's water supply. In order to protect our water supply and promote conservation, last year the Utilities Department received a \$50,000.00 Savings Incentive Program (SIP) matching grant from the South Florida Water Management for the 2009 toilet retrofit program.

I am pleased to say the 2009 High-Efficiency Toilet (HET) program was a huge success! Plantation's Utilities customers were able to change out up to two high-water use toilets (3-7 gals/flush) per account with high efficiency (1.28 gal/flush) toilets and receive a \$100 credit per toilet on their water bill. Our 2009 program changed out 826 toilets; we could have changed out a maximum of 1,000 toilets, but some customers signed up for the program and didn't follow through. Since this was our first program, we were hesitant to "overbook" the program.

The purpose of the HET program is to reduce Plantation's overall water consumption, thus minimizing the size of our future water supply project to meet our future population requirements. The cost of the HET program is miniscule when compared to a "brick and mortar" alternative water supply project.

My office applied for additional funding from SFWMD for our 2010 program but was denied because the District severely reduced its 2010 SIP program funding. The District reconsidered its drastic reduction after other utility officials and I voiced our concerns to the District governing board and staff. Accordingly, Plantation has been extended another opportunity for a matching \$50,000.00 SIP grant for our 2010 program.

This information is provided for your review and authorization to accept up to \$50,000.00 in matching SIP grant funding for our 2010 HET program. If approved, this program will be "kicked off" at the City's Green Day celebration on February 27th at Liberty Tree Park.

Councilman Fadgen questioned what the consequence is if we do not match the grant.

Mr. Breitenkam responded if we did not match the funding, we would not get the grant. He emphasized the importance of the program and also the importance of water conservation. He commented that this year he would like to open up the program to multi-family residences.

It was clarified that all of the money used by this grant is returned to our residents.

Motion by Councilman Fadgen, seconded by Councilwoman Uria, to approve the request for authorization to accept up to \$50,000 in “matching” Savings Incentive Program (SIP) funding from South Florida Water Management District for the 2010 High Efficiency Toilet (HET) Retrofit Program. Motion carried on the following roll call vote:

Ayes: Uria, Fadgen, Levy, Tingom, Bendekovic
Nays: None

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Mr. Lunny read Items # 11, #12 & #13.

These items were discussed together but were being voted on separately.

11. Award bid for Broward Boulevard bus shelters to lowest qualified bidder, JA&M Developing Corporation in the amount of \$212,275.
12. Award bid for University Drive bus shelters to lowest qualified bidder, JA&M Developing Corporation in the amount of \$232,917.

Resolution No. 10800

13. **RESOLUTION** approving that certain agreement for placement of bus shelters within City limits between the City of Plantation and Clear Channel Outdoor, Inc. .

Item # 11

A memorandum to Mayor Rae Carole Armstrong and Council from Brett Butler, City Engineer dated December 29, 2009 follows:

The subject project included the construction of nine (9) bus shelters along Broward Boulevard, between University Drive and State Road 7, per the plans prepared by C3TS, PA. Funding for this project is through a federal grant managed through the Florida Department of Transportation’s Local Agency Program, and through the Road and Traffic Fund. The project was advertised as a Request for Sealed Proposals (RFP) and on December 8, 2009 the City received 6 bid proposals. The numerical results are as follows:

1.	Green Construction Technologies	\$205,810.00
2.	JA & M Developing Corp.	\$212,275.00
3.	JMW Construction Corp.	\$247,100.00
4.	West Construction	\$250,600.75
5.	State Contracting & Engineering Corp.	\$406,000.00
6.	Williams Paving Co., Inc.	\$573,000.00

After careful review of the bid proposal submitted by the apparent low bidder, Green Construction Technologies, out of Wilton Manors, Florida; staff concluded that the apparent low bidder failed to demonstrate requisite experience on projects of similar scope as required by the bid documents. Additionally, the bidder failed to submit required financial information for determination if the bidder is financially able to complete the project. Staff has determined that the apparent low bidder is not qualified to perform the scope of work required in the bid documents and their proposal is nonresponsive as to financial information. Consequently, the bid proposal

submitted by Green Construction Technologies, Inc. has been disqualified. Upon careful review of the second lowest bidder, JA & M Developing Corporation, out of Miami Lakes, Florida, staff has determined that the bidder is qualified to perform the scope of work required in the bid documents and the proposal is responsive and responsible.

On December 16, the City Council inquired of staff as to the impact this project may have on existing bus benches under contract between the City and the Plantation Women's Club. Please be advised that any bus benches requiring removal to accommodate a proposed bus shelter will be relocated to another BCT bus stop within the City such that the Women's Club will not lose any revenues generated through bus bench advertisements.

Therefore, staff recommends the award of a contract in the amount of \$212,275.00 to the lowest qualified bidder, JA & M Developing Corporation, for the subject project. Should you have any questions, please do not hesitate to contact me.

Item #12

A memorandum to Mayor Rae Carole Armstrong and Council from Brett Butler, City Engineer dated December 29, 2009 follows:

The subject project included the construction of ten (10) bus shelters along University Drive, between I-595 and Sunrise Boulevard, per the plans prepared by C3TS, PA. Funding for this project is through a federal grant managed through the Florida Department of Transportation's Local Agency Program, and through the Plantation Midtown District. The project was advertised as a Request for Sealed Proposals (RFP) and on December 8, 2009 the City received 7 bid proposals. The numerical results are as follows:

1.	Green Construction Technologies	\$225,900.00
2.	JA & M Developing Corp.	\$232,917.00
3.	JMW Construction Corp.	\$271,000.00
4.	West Construction	\$294,747.50
5.	ENCO, LLC	\$300,086.32
6.	State Contracting & Engineering Corp.	\$443,000.00
6.	Williams Paving Co., Inc.	\$540,000.00

After careful review of the bid proposal submitted by the apparent low bidder, Green Construction Technologies, out of Wilton Manors, Florida; staff concluded that the apparent low bidder failed to demonstrate requisite experience on projects of similar scope as required by the bid documents. Additionally, the bidder failed to submit required financial information for determination if the bidder is financially able to complete the project. Staff has determined that the apparent low bidder is not qualified to perform the scope of work required in the bid documents and their proposal is nonresponsive as to financial information. Consequently, the bid proposal submitted by Green Construction Technologies, Inc. has been disqualified. Upon careful review of the second lowest bidder, JA & M Developing Corporation, out of Miami Lakes, Florida, staff has determined that the bidder is qualified to perform the scope of work required in the bid documents and the proposal is responsive and responsible.

On December 16, the City Council inquired of staff as to the impact this project may have on existing bus benches under contract between the City and the Plantation Women's Club. Please be advised that any bus benches requiring removal to accommodate a proposed bus shelter will be relocated to another BCT bus stop

within the City such that the Women's Club will not lose any revenues generated through bus bench advertisements.

Therefore, staff recommends the award of a contract in the amount of \$232,917.00 to the lowest qualified bidder, JA & M Developing Corporation, for the subject project. Should you have any questions, please do not hesitate to contact me.

Item #13

A memorandum to Mayor Rae Carole Armstrong and Council from Frank DeCelles, Director of Public Works, dated January 6, 2010 follows:

ANALYSIS: Attached is proposed agreement with Clear Channel to provide bus shelters at up to twenty-five locations in the City. Currently there are twelve shelters, nine with advertisements located in the City. The agreement would extend the term to July 2013. The base license fee is \$1,206.09 per shelter with a 5% increase per year per shelter during the term of the agreement.

Listed below is a comparison of revenues received for advertisements on bus shelters in other cities:

City	Annual Franchise Fee Per Shelter Per Year
Coconut Creek	\$ 695.50
Dania Beach	\$ 650.00
Hallandale	\$ 800.00
Lauderdale Lakes	\$ 620.00
North Lauderdale	\$ 579.00
Oakland Park	\$ 540.00
Plantation	\$1,206.00
Wilton Manors	\$ 525.00

The City has added a provision in the agreement that allows the City to replace any of the Clear Channel bus shelters with City brick shelters if so desired. Currently, Clear Channel has no plans to add any additional shelters and no shelters would be erected at any location where there is currently a bus bench, so this agreement would have no effect on the current revenue received by the Woman's Club through their bus bench agreement.

RECOMMENDATION: *Approve the resolution to extend the Clear Channel Bus Shelter Agreement.*

Brett Butler, City Engineer explained where the bus shelters will be located. He noted that the locations have been approved by Broward County Mass Transit and DOT.

Councilman Fadgen inquired if there are existing bus benches at these locations now.

Mr. Butler clarified that wherever a bus shelter is proposed and a bus bench currently exists, the bus bench will be relocated to another viable Broward County bus stop in the City. It is not creating a net loss of bus benches.

Councilman Fadgen commented the bus benches located on University Drive are bigger revenue generators and if moved it may hurt the Women's Club program. He also questioned if any thought has been given to co-locating bus benches in addition to the shelter. He inquired if the City would supervise the construction of these shelters and who would maintain them. It was a concern to him the burden the City would have with the ongoing maintenance.

Councilwoman Bendekovic stated that she spoke with the vendor of the bus benches who indicated he has no problem with this contract for bus shelters. It was clarified no revenue would be affected.

Mayor Armstrong encouraged approval of these items.

Councilwoman Uria requested clarification of the maintenance costs for these shelters. She also wanted to make sure that the Women's Club clearly understands where these bus shelters are being placed and that they have the opportunity to voice their concerns.

Discussion ensued as to the revenue generated by the Women's Club bus bench program and the locations.

Mr. Butler reiterated because the City is overseeing the construction of the shelters which are much larger than the current bus benches we are limited as to the locations. All the bus shelters will be handicapped accessible.

Councilman Fadgen expressed concern with the impact on small businesses with the re-location of the bus benches. He believes the bus shelters look great; however, it is not a total solution.

Mayor Armstrong responded to the small business issue, the bus shelters are going to be an important component to the City.

Patrick Irwin, of Green Construction Technologies, commented on the award of the bid for construction of the bus shelters. He is with the low bidder that was not chosen. He responded to the allegations that his company is not qualified. He stated his qualifications and listed many of the projects his company is involved with.

Mr. Butler responded to Mr. Irwin's comments. He explained what construction experience is needed to construct these bus shelters and stated that Green Construction Technologies did not submit the evidence to show that they have the requisite qualifications to construct these shelters. He commented that the bidder did not submit any financial information which was requested in the bid documents.

Bruce Drum, small business owner on East Acre Drive, commented his business is struggling and one thing that has helped his business is the placement of bus benches on Broward Boulevard which are in close proximity to his business.

Darlene Vlazny, Plantation Women's Club, thanked the Council for deferring this item from the last meeting and Dan Keefe, Assistant to Mayor for his email response. She remarked on the difference in revenue depending on the locations within the City. The problem that they have is the new locations that the bus benches are being relocated to. She believes there will be an impact in the revenues that the Women's Club will receive and that there will also be an impact on the small businesses depending on the locations of the bus benches.

Mayor Armstrong commented this was a collaborative effort. Each of the locations required an easement from the property owner, so the property owners have been made aware of what the bus shelters will look like. This is

an opportunity for the City to improve their streetscape. The City is not trying to take anything away from the vendor. This is something that can be worked through.

Dan Keefe, Assistant to Mayor, stated that Mr. Butler provided the exact locations of the bus shelters when the agreement was being negotiated. Mr. Flutie has been involved in the discussions and stated he has no problem with the locations.

City Attorney Lunny commented on bus bench advertising.

Councilwoman Bendekovic requested clarification on the Clear Channel issue and wanted to verify that this will not impact the Women's Club revenue.

Mr. Keefe clarified that the City must approve any location.

Motion by Councilwoman Uria, seconded by Councilman Fadgen, to approve Items #12 & #13, subject to Mr. Flutie reviewing the locations with Administration, and the guarantee that the Women's Club will not lose any revenue for the duration of their contract. If there are any operational issues they can be brought back to Council. Motion carried on the following vote:

Ayes: Uria, Fadgen, Levy, Tingom, Bendekovic
Nays: None

Motion by Councilman Tingom, seconded by Councilwoman Bendekovic, to approve Resolution No. 10800 as presented. Motion carried on the following roll call vote:

Ayes: Uria, Fadgen, Levy, Tingom, Bendekovic
Nays: None

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Resolution No. 10801

24. **RESOLUTION** for the appointment of a Fire Chief for the City of Plantation's Fire Department fixing the initial annual compensation to be paid for said executive position; and the appointment of an individual to said executive position. (Harris)

Mr. Lunny read Item No. 24.

A memorandum to Mayor Rae Carole Armstrong and Council from Margie Moale, Human Resources Director, dated January 6, 2010 follows:

This is to advise you that the Administration Department made a conditional offer to promote Joseph Harris to the position of Fire Chief (E-10), which is a budgeted position last filled by Robert Pudney.

If you have any questions regarding the above, please do not hesitate to contact me.

Councilwoman Bendekovic applauded the recommendation and congratulated Chief Harris on his appointment.

Mayor Armstrong thanked Chief Harris for the willingness to step up into this position and also recognized the members of the Volunteer Fire Department.

Motion by Councilman Fadgen, seconded by Councilwoman Bendekovic to approve Resolution No. 10801 as presented. Motion carried on the following roll call vote:

Ayes: Uria, Fadgen, Levy, Tingom, Bendekovic
Nays: None

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ADMINISTRATIVE ITEMS - None.

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LEGISLATIVE ITEMS - None.

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QUASI-JUDICIAL CONSENT AGENDA - None.

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QUASI-JUDICIAL ITEMS - None.

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COUNCILMEMBERS' COMMENTS

Mayor Armstrong acknowledges Deputy Chief Larson and his commitment to the Police Department.

Mayor Armstrong confirmed the City is moving forward with the traffic calming on NW 7 Street towards the end of the month.

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Councilman Levy commented that anyone who had damage with the recent rains can meet with FEMA at Pembroke Park City Hall, 3150 SW 2 Avenue, to discuss assistance. The office will only be open until January 14, 2010. This office is open to anyone in the tri-county area.

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Councilman Fadgen wished everyone a Happy New Year.

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Councilwoman Uria stated she hopes that this year everything turns around and that there are less utility liens on the Council agendas.

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Councilwoman Bendekovic commented that anyone in the Plantation I Zone that is interested in the International Baccalaureate Program for Middle School there is an Open House on January 21, 2010 at 6:30 p.m. at Plantation Middle School. The High School Open House will be January 28, 2010 at 7:00 p.m. at Plantation High School Media Center.

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PUBLIC REQUESTS OF THE COUNCIL CONCERNING MUNICIPAL AFFAIRS

Dennis Conklin, resident, commented on a public safety issue.

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Mayor Armstrong stated there will be a City Council meeting on January 13, 2010.

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WORKSHOP: None.

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Meeting adjourned at 9:35 p.m.

Diane Veltri Bendekovic, 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 _____, 2010.

Susan Slattery, City Clerk